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THE LIFE AND TIMES OF LUCIUS CARY

LUCIUS CARY, SECOND VISCOUNT FALKLAND

AFTER A PORTRAIT BY VANDYK AT WARDOUR CASTLE.

THE LIFE AND TIMES OF LUCIUS CARY VISCOUNT FALKLAND

BY

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WITH TWENTY-THREE ILLUSTRATIONS

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PREFACE

I WISH to explain briefly the scope and purpose of this book. My hope is that it may be read as it has been written, not merely as a biography—long since overdue—of Lucius Cary, Lord Falkland, but as a political study of the man and his times.

Intended primarily for the "general reader," it makes no parade of original research, but scholars will perceive that it is based throughout upon a study of contemporary documents and authorities, and I entertain a hope that it may be accepted not only as embodying the results of the most recent research, but even as making a modest contribution to the extant knowledge of the subject. I hasten to add that any claim which may be advanced for the book on this score rests mainly upon the kindness and generosity of friends. In particular I am deeply indebted to the Rev. A. B. Beaven, M.A., of Leamington, late Headmaster of Preston School, who has kindly read the whole of the proofs and has placed his stores of ripe and accurate scholarship most generously at my disposal. I owe much also to Mr.

C. H. Firth, Regius Professor of Modern History, who has helped me with advice particularly in regard to sources of which he has unrivalled knowledge; and much also to a former pupil, Miss Enid Routh, of Lady Margaret Hall (Alexander Historical Prize, 1903), who has most kindly undertaken researches for me at the Record Office and the British Museum. But the harvest gathered by Mr. S. R. Gardiner has left little there for subsequent gleaners. My indebtedness to writers on the period is acknowledged in an appendix (Bibliographical Note), but it is a pleasure to record other debts which I have incurred. The fundamental one is to my friend and colleague, the Rev. W. Hudson Shaw, M.A., late Fellow of Balliol College, who was the first to inspire me, as he has inspired many, with an affectionate reverence for the character of Falkland and a desire to vindicate his memory. It is the simple truth that but for that inspiration this book would not have been written, and my only regret in writing it has been that the execution of the task did not fall into Mr. Shaw's more competent hands. My wife and daughter have greatly lightened the heavy burden of transcribing speeches, letters and documents, and have compiled the index. My thanks are due also to the officials of the Bodleian Library, and particularly to Mr. Falconer Madan, who kindly lent me for reproduction the map of Oxford (1643); and to my friend and colleague, Mr. T. W. Jackson, Vice-Provost of Worcester College and Curator of the Hope Collection of engraved portraits, who has been exceedingly helpful in

regard to the illustrations. Viscount Dillon, the Curators of the Bodleian Library and Viscount Falkland have also been most kind in permitting the reproduction of interesting portraits in their possession.

I have printed without abridgment, and in the text, all Falkland's great speeches which are extant. Exception may be taken to the disproportionate space they occupy, but I have at least given readers who may share my own abhorrence of abridged reports in the *oratio obliqua* an opportunity of appreciating Falkland's position on some of the most momentous questions of the day. Other readers will skip them.

Of the shortcomings of the work—a work pursued amid many distractions—no one can be more conscious than myself, but I have done what in me lay to raise a worthy monument to the memory of one of the greatest Englishmen of the seventeenth century.

J. A. R. M.

OXFORD
February, 1907

FALKLAND AND HIS TIMES

BOOK I

CHAPTER I

THE MAN

FALKLAND'S place in the politics of the seventeenth century is unique. In popular estimation he scarcely ranks with Strafford or Pym, with Hampden or Cromwell. But to the philosophical historian the career of Falkland presents problems of exceptional interest and importance, while every student of humanity must rejoice in the revelation of a character which combined in no ordinary degree the intellectual luxuriance of the Greek and the moral austerity of the Puritan. A man of culture surrounded by narrow-minded fanaticism; a lover of truth beset by bigots; a farseeing statesman reduced to despair by party spirit, Falkland, distracted by the difficulties of the present, has a special claim upon the future.

The period in which he lived lacked neither great issues nor great men, and some preliminary attempt must be made to disentangle the issues and to explain Falkland's relation thereto.

The problems bequeathed by the sixteenth century to the seventeenth were at once supremely significant and

exceptionally complex. The men called upon to solve them were of no mean stature. Unfortunately, those who were most conspicuous in place were not most conspicuous in wisdom. James I. might, in ordinary times, have taken fair rank among English sovereigns, but the times were not ordinary, and James I. was not an Englishman. He was a shrewd and not unkindly Scotch pedant, with intellectual interests above the common, but curiously devoid of political tact. The son who succeeded him was more of a Churchman but even less of a statesman than his father. In a humbler station he might have lived a blameless and a useful life. Possessed of considerable personal attraction, a devoted son of the Anglican Church, an exemplary husband, and an affectionate father, Charles I. had many of the gifts and qualifications which make for domestic happiness. But he was called to play a part of exceptional difficulty, and he was unequal to it. There was no lack of men well qualified to supply the deficiencies of the first two Stuart kings. The "stacks of statutes" under which Lambarde and his fellow-magistrates groaned had at least provided an admirable political training for the Tudor country gentleman; but neither James I. nor Charles I. had sufficient sagacity to avail themselves of the material ready to hand. Where his personal passions were not involved James I. was a shrewd judge of men; but in matters of State he preferred to rely upon the help of a favourite like Essex or Buckingham, rather than listen to the sage counsels of a Bacon, a Digby or an Eliot. Charles I. was no wiser in this respect. It is not indeed easy to imagine Coke and Dudley Digges except in opposition; but neither Eliot nor Hampden were in any sense opposed to monarchical institutions; and John Pym, one of the greatest statesmen of that or any other age, was perhaps the one man in the century who had a clear and firm grasp of the

principles which might even then have reconciled the strength and decorum of monarchy with an adequate measure of popular control. Nay, had Wentworth been admitted to the confidence of his Sovereign in 1625 instead of in 1628, the whole course of subsequent events might have been radically different. Of the men who played a leading part in the later acts of the drama it is not necessary now to speak. Lilburne and the younger Vane, Ludlow and Hazelrig were unequivocal Republicans, but Ireton and Cromwell, even if they had leanings originally in that direction, discovered their mistake before the death of the King, and did their utmost to repair it.

In the long gallery of seventeenth-century portraits, what special place are we to assign to that of Lucius Cary, Viscount Falkland? As to the position of the statesman and the thinker there has been infinite dispute; as to the lineaments of the man there are none. Clarendon painted the portrait of his friend in colours which will never fade. "At the battle of Newbury was slain the Lord Viscount Falkland; a person of such prodigious parts of learning and knowledge, of that inimitable sweetness and delight in conversation, of so glowing and obliging a humanity and goodness to mankind, and of that primitive simplicity and integrity of life, that if there were no other brand upon this odious and accursed civil war than that single loss it must be most infamous and execrable to all posterity." Clarendon, it may be urged, wrote under a sense of recent and irreparable personal loss. But Bishop Burnet, who is under no suspicion of partiality, has supplied testimony to Falkland's character which, if less emphatic than Clarendon's, is, from its casual and unpremeditated nature, even more remarkable. "Bishop Morley," he writes, "first became known to the world as a friend of Lord Falkland's, and that was enough in itself to raise a man's character."

Such is the testimony of personal friendship and recent tradition.

But for nearly two hundred years the fame of Falkland suffered complete eclipse, or, at best, suggested an opportunity for a passing sneer at a character compounded of genial amiability and political ineffectiveness. Horace Walpole was remarkable rather for incisive malignity than for profoundity of historical research. But the sketch of Falkland in his *Royal and Noble Authors* is important as having struck the note of historical criticism for several generations. Walpole bluntly suggests—ignoring such unimpeachable testimony as Burnet's—that nothing but the literary skill of a partial friend had rescued the memory of an undistinguished but amiable nobleman from well-merited oblivion. *Royal and Noble Authors* has fallen into deserved neglect, but a passage which apparently inspired the judgment of not Hallam only, but Carlyle and Macaulay may perhaps justify quotation:—

"There never was a stronger instance of what the magic of words and the art of an Historian can effect, than in the character of this Lord, who seems to have been a virtuous, well-meaning Man with a moderate understanding, who got knocked on the head early in the civil war, because it boded ill: And yet by the happy solemnity of my Lord Clarendon's diction, Lord Falkland is the favourite personage of that noble work. . . . That Lord Falkland was a weak man, to me appears indubitable. We are told he acted with Hampden and the Patriots, till He grew better informed what was Law. It is certain that the ingenious Mr. Hume has shewn that both King James and King Charles acted upon precedents of prerogative which they found established. Yet will this neither justify them nor Lord Falkland. If it would, where ever tyranny is established by Law, it ought to be sacred and perpetual. Those Patriots did not attack King

Charles so much for violation of the Law, as to oblige him to submit to the amendment of *it*: . . . Nor to descant too long: it is evident to me that this Lord had much debility of mind and a kind of superstitious scruples, that might flow from an excellent heart, but by no means from a solid understanding. His refusing to entertain spies or to open letters, when Secretary of State, were the punctilios of the former, not of the latter; and his putting on a clean shirt to be killed in, is no proof of sense either in his Lordship, or in the Historian, who thought it worth relating."

The last words refer to the gossip recorded by "wooden-headed old Bulstrode," who is mainly responsible for the only serious slur upon the character of Falkland. By not a few writers the facts of his life are interpreted in the light of the supposed manner of his death. Historians of the highest repute—including Mr. S. R. Gardiner—have not scrupled to affirm that Falkland died on the field of Newbury by a death scarcely distinguishable from suicide. The sole authority for this damaging insinuation is the well-known passage in Whitelocke's *Memorials*: "Lord Falkland on the morning of the battle called for clean linen, as though expecting to be slain. His friends tried to dissuade him from fighting, but he declared that he was weary of the times, foresaw much misery to his own country, and did believe he should be out of it ere night." Assuming that Whitelocke's tittle-tattle accurately represents the facts—a large assumption—what ground does it afford for the charge of suicide? That Falkland was politically broken-hearted we know from Clarendon; that he was congenitally courageous to the verge of recklessness we shall see in the course of this history; but what evidence does Whitelocke produce of suicidal intent?

Bulstrode Whitelocke's mischievous insinuation would possess no significance apart from the aspersion it casts

upon the general character of Falkland.[1] There can, however, be no question that it has tended to substantiate the charges of political levity, of moral weakness and of intellectual instability not unfrequently preferred against him. Macaulay, as has been often pointed out, is as conspicuously unfair in his judgment upon men, as he is sagacious and discriminating in his judgment on events. His contemptuous reference to Falkland is an instance in point. "He was indeed a man of great talents and of great virtues, but, we apprehend, infinitely too fastidious for public life. . . . He was always going backward and forward. . . . Dreading the success of the cause which he had espoused, disgusted by the courtiers of Oxford as he had been disgusted by the patriots at Westminster, yet bound by honour not to abandon the cause for which he was in arms, he pined away, neglected his person, went about moaning for peace, and at last rushed desperately on death, as the best refuge in such miserable times. If he had lived through the scenes that followed, we have little doubt that he would have condemned himself to share the exile and beggary of the royal family; that he would then have returned to oppose all their measures; that he would have been sent to the tower by the Commons as a stifler of the Popish Plot, and by the King as an accomplice in the Rye House Plot; and that, if he had escaped being hanged, first by Scroggs, and then by Jefferies, he would, after manfully opposing James the Second through years of tyranny, have been seized with a fit of compassion at the very moment of the Revolution, have voted for a Regency,

[1] The suggestion finds an echo, perhaps, in Pope's well-known lines:—

"See Falkland dies, the virtuous and the just!
See godlike Turenne prostrate on the dust!
See Sidney bleeds amid the martial strife!
Was this their virtue, or contempt of life?"

POPE, *Essay on Man*, Ep. iv.

and died a nonjuror."[1] This is, in form, the merest claptrap of criticism. But in essence it is not unfairly representative of much of the critical judgment of that period.

The popular judgment in nowise concerned itself with so insignificant a personage as the second Viscount Falkland. How complete was the oblivion into which his memory had fallen, even in the districts where it might naturally have been cherished most warmly and persistently, we are now in some danger of forgetting. Many circumstances have combined to attract the attention of the antiquary to the Cotswold town where Lucius Cary was born, and to the Oxfordshire village where the happiest days of his brief life were spent. But for two centuries and a half after Falkland had fallen in Newbury fight, Great Tew possessed no visible memorial whatsoever of the man whose brief reign has conferred immortality upon a secluded village, and Burford boasts none to-day. The monument at Newbury was erected in 1878, and supplied the text for Matthew Arnold's magnificent panegyric. To the publication of the latter, in conjunction with Mr. Goldwin Smith's spirited but splenetic rejoinder, the revived popular interest in Falkland's career may, in some measure, be ascribed. But, in truth, the reasons alike for the long neglect and for the marked revival are not difficult to discern.

Cut off at the age of thirty-three, ere his career was well begun, Falkland founded no party. Had his life been prolonged to the ordinary span he might well have failed to do so, for he was no partisan. He was a pure and single-minded patriot; he had a firm grasp on political principles; he pursued intellectual truth with undeviating steps, but the appeal of party left him cold. Thus while the memory of a Calvin or a Laud is cherished enthusiastically by the devoted adherents of the schools they founded; while Strafford and

[1] Macaulay, *Essay on Hallam*, p. 72.

Pym, Charles and Cromwell stand as conspicuous and honoured figures to the strong party men of all time, no sacred fane has been dedicated to the memory of the great "apostle of moderation," and the tomb of the martyr of the *Via Media* remains to this day not merely unhallowed but unknown. The party system has obvious advantages, but it will scarcely be denied that it tends to the exaggerated exaltation of the straight party men, and the undue depreciation of the less easily satisfied seekers after truth,—the more refined spirits whose grasp on principle is stronger than their devotion to party.

Such an one was Lucius Cary, Lord Falkland, and it is natural, therefore, that he should be judged most fairly by men who stand somewhat apart from the ordinary groups, political or ecclesiastical. The late Earl of Carnarvon was one of the most high-minded of later Victorian statesmen, but he was never entirely easy under the restraints of party discipline. His judgment on Falkland was therefore inspired by sympathy as well as by admiration. "When we look back," he said, "to the history of the Civil War I can think of no character that stands out in higher, purer relief than Falkland's".[1] Matthew Arnold, in the sphere of Letters and Thought, occupied a position of similar detachment, and from no pen has there come a juster or more discriminating appreciation of Falkland's merits as a thinker, as a politician, and as a man. "If we are to find a martyr in the history of the great civil war, let it be Falkland. He was the martyr of lucidity of mind and largeness of temper in a strife of imperfect intelligences and tempers illiberal. . . . Shall we blame him for his lucidity of mind and largeness of temper? Shall we even pity him? By no means. They are his great title to our veneration. They are what make him ours; what link him with the

[1] Quoted by Matthew Arnold.

nineteenth century. He and his friends, by their heroic and hopeless stand against the inadequate ideals dominant in their time, kept open their communications with the future, lived with the future. Their battle is ours too; and that we pursue it with fairer hopes of success than they did, we owe to their having waged it and fallen."[1]

But apart from the triumph of the Party system, there is another and more subtle reason which may well have told against the posthumous fame of Falkland. If he has little attraction for the historian who, like Macaulay, is also a keen political partisan, he has hardly more for the sedentary student like Carlyle or Gardiner. Carlyle's monumental edition of Cromwell's *Letters and Speeches* contains only one reference—and that a contemptuous one—to Falkland. Under the head of "First Newbury Battle" he notes "Poor Lord Falkland in his clean shirt was killed here".[2] Nor is the reason for this contempt far to seek. Just as James I., himself uncouth of aspect and ungainly in form, was irresistibly attracted by the fine features and clean limbs of George Villiers, so the sedentary student is naturally drawn more to the strenuous and successful men of action, to the Straffords and Cromwells, and less to the contemplative statesman who surveys the field of party strife in quest of truth rather than of victory. Never was a historian more painstaking in research, or more judicially impartial in his personal verdicts than Mr. Gardiner. It is indeed sorry work to attempt to glean in a field which he has reaped, and as regards the bare facts of Falkland's career he has left little unnoticed. But it is impossible not to detect in the midst of his glowing and eloquent eulogy on Falkland's great qualities of heart and mind, a note of irritation and impatience at his supposed lack of political fibre and at his failure to achieve any definite political results. No one has appreciated more justly Falk-

[1] *Mixed Essays.* [2] *Carlyle* (ed. Lomas), i., 153.

land's ultimate aim. "The desire to secure intellectual liberty from spiritual tyranny was," he writes, "the ruling principle of his mind. His claim to our reverence lies in the fact that his mind was as thoroughly saturated as Milton's was with the love of freedom, as the nurse of high thought and high morality, while his gentle nature made him incapable of the harsh austerities of Milton's combative career." But few have judged more hardly his failure as a practical politician, the failure of one who was called against his will to the responsibilities of high office when he was barely thirty, who was plunged two years later into a civil war which he loathed, and who died broken-hearted at thirty-three. "As an efficient statesman Falkland has little claim to notice. He knew what he did not want, but he had no clear conception of what he did want; no constructive imagination to become a founder of institutions in which his noble conception should be embodied. It was this deficiency which made him . . . choose the royalist side not because he counted it worthy of his attachment, but because the parliamentary side seemed to him to be less worthy, and to accept a political system from his friend Hyde as he had accepted a system of thought from his friend Chillingworth. Falkland's mind in its beautiful strength as well as in its weakness was essentially of a feminine cast."[1] Mr. Gardiner does not, in set phrase, prefer against Falkland any of those charges of political inconstancy which come so glibly from the facile pen of Lord Macaulay, but the insinuations against his political character are hardly less damaging. It would be interesting to inquire what scope there was for the display of administrative efficiency between 1641 and 1643, but it is an inquiry which must be deferred. If the following pages do not disclose the positive objects at which Falkland aimed, not less than the abuses which he sought to amend and

[1] G. (*ap. D.N.B.*).

the evils which he strove to avert, they will have been written in vain.

One thing at least is certain. However much critics may continue to differ as to the value of Falkland's political example, there is no longer any danger that it will be ignored. That he should have had to wait until the nineteenth century for recognition, or at least for appreciation, was not unnatural. Many of his contemporaries—with less reason—had to do the same. Not until the nineteenth century did the English people begin to look steadfastly or seriously to the rocks—political and ecclesiastical—whence they were hewn, or begin adequately to praise their famous men and the fathers that begat them. Historical research was stimulated by a widening of political interest and a deepening of religious zeal. The two great movements within the English Church: the evangelical revival and the Oxford movement; the long series of Parliamentary enactments: the Acts of 1832, of 1835, of 1867, of 1885, of 1888, and of 1894, Acts by which ever-increasing numbers were admitted to the duties and responsibilities of citizenship, imperial and local; the development of the habit of political discussion upon the platform and in the Press; the diffusion of education, and the growth of wealth—all these things tended to awaken political interest and therefore to quicken historical research. Many of them, moreover, combined to concentrate attention upon the times of Strafford and Clarendon, of Pym and Hampden, of Vane and Cromwell, of Andrewes and Laud, of Milton and Bunyan, of Baillie and Baxter, of Hales and Chillingworth and Falkland. Of all these names that of Falkland has, perhaps, been least "had in remembrance". But the period of oblivion is past; the ultimate vindication is assured. The reasons for both have been already adumbrated, and will be developed in detail in chapters to come. For the present we may content our-

selves with the succinct but sufficient summary in the closing passage of Dr. Tulloch's noble tribute to Falkland's memory: "His mind like all higher minds saw not so much outward as inward change. He shrank from revolution in Church or State; but he would have liberalised both, in a higher and nobler sense than his contemporary revolutionists, ecclesiastical or political. His ideas were born out of due time; and the extremes, first of destruction and then of reaction, were destined to run their course. In all times of excitement this is more or less likely to be the case. The voice of reason is unheard amongst the clamours of party, and a Falkland dies broken-hearted when a Cromwell and a Clarendon take their turns of success. But the seed of wise thought never perishes; and Falkland's ideal of the Church no less than of the State may yet be realised."[1]

[1] *Rational Theology in the Seventeenth Century.*

BURFORD PRIORY

FROM A WATER COLOUR AT THE BODLEIAN

CHAPTER II

THE PROBLEM OF THE AGE—POLITICAL

ENOUGH, for the present, of the man. Before proceeding to a detailed description of his career, it seems desirable to examine briefly the nature of the problems by which he and his contemporaries were confronted. There were, in fact, two main problems, which though closely intermingled and interdependent were in reality distinct. The one concerned the ecclesiastical settlement of the nation; the other the political or constitutional. In both cases the conditions were infinitely complex, and in both the solution had been rendered more difficult by a conscious postponement of the day of reckoning.

The Stuart kings may have been largely responsible for the actual and ultimate form which the crisis assumed, but it is impossible to ignore the fact that the trouble had been brewing in the later years of Queen Elizabeth. The defeat and dispersion of the Armada marked the real close of the Tudor Dictatorship. For just a century the English people had been well content to leave the reins of government in the strong and capable hands of their Tudor sovereigns. The latter had performed their responsible functions with conspicuous tact and brilliant success. But during the last years of the reign of Queen Elizabeth there were many symptoms, more particularly in the House of Commons, that the people were conscious of the fact that the necessity for the dictatorial rule had passed away. They devised, or

acquiesced in the Tudor system in order to meet a critical emergency in the nation's history. From the dynastic confusion of the fifteenth century the country had emerged politically exhausted, economically anæmic and socially distraught. The weakness of the Lancastrian Government at home and abroad; the collapse of a political experiment prematurely attempted; the impotence of the executive; the paralysis of law; the fatal lack of governance so persistently deplored by Fortescue; the opportunities thus afforded to ambitious princes and to an "overmighty" baronage; the humiliating issue of the French war; the loosening of England's hold on Ireland; the faction fights which saturated the home land with blood—all these things made the nation not merely ready but eager to sacrifice every thing for a firm administration, and to accept with enthusiasm the strong but masterful rule of the Tudor sovereigns.

But the Tudors had done their work. The nation had come through the critical years of the sixteenth century, not merely without shipwreck, but strengthened, disciplined, braced and invigorated by the period of dictatorial government. It has been the fashion to regard that period as one of almost untempered despotism; but it lacked the characteristic and differentiating feature. A despotism leaves a people—when the strong hand of the despot is removed—enervated, helpless and perplexed. The Tudor rule, on the contrary, was essentially educative. It left the people ready, as they had never been ready before, to take upon their own shoulders the high responsibilities of self-government. In Parliament, in Council, as ministers and magistrates, the flower of the middle classes had been steadily trained for the work to which they would presently be called. Never had the legislative activities of Parliament been so conspicuous; never had the varied functions of local government been

so rapidly extended and developed. And the long discipline told. For some years before the death of Queen Elizabeth Parliament and people were ready for the inevitable change.

James I. was hardly seated on the English throne before the House of Commons drew up the famous *Apology* of 1604. No one can read it without finding therein clear indications that the Commons had consciously postponed the assertion of their rights and privileges out of regard for the personality and achievements of the late Queen. Mr. Gardiner declared with emphasis that "to understand this apology is to understand the cause of the success of the English Revolution". It is in truth a very remarkable document, and was intended to put before the monarch, in unequivocal terms, the position, powers and privileges of the House of Commons as understood by the House itself. "We have been constrained . . . to break our silence and freely to disclose unto your Majesty the truth of such matters concerning your subjects the Commons, as hitherto by misinformation hath been suppressed or perverted. . . . Against these misinformations we most truly avouch,—first, that our privileges and liberties are our right and due inheritance, no less than our very lands and goods. Secondly, that they cannot be withheld from us, denied or impaired, but with apparent wrong to the whole state of the realm. Thirdly, that our making of request, in the entrance of Parliament, to enjoy our privilege is an act only of manners, and doth weaken our right no more than our suing to the King for our lands by petition, which form, though new and more decent than the old by *praecipe*, yet the subject's right is no less now than of old. Fourthly, we avouch also, that our House is a court of record, and so ever esteemed. Fifthly, that there is not the highest standing court in this land that ought to enter into competency, either for dignity or authority, with this high court of Parliament, which, with

your Majesty's royal assent gives laws to other courts, but from other courts receives neither laws nor orders. Sixthly, and lastly, we avouch that the House of Commons is the sole proper Judge of return of all such writs, and of the election of all such members as belong unto it, without which the freedom of election were not entire; and that the Chancery, though a standing court under your Majesty, be to send out those writs and receive the returns, and to preserve them; yet the same is done only for the use of the Parliament; over which, neither the Chancery, nor any other court, ever had, or ought to have, any jurisdiction. From these misinformed positions most gracious Sovereign, the greatest part of our troubles, distrusts, and jealousies have risen, *having apparently found that in the first Parliament of the happy reign of your Majesty, the privileges of our House and therein the liberties and stability of the whole kingdom, have been more universally and dangerously impugned than ever (as we suppose) since the beginning of Parliament.*"

The immediate reasons for the drafting of the *Apology* are stated not obscurely. Firstly, because under Queen Elizabeth there was a general feeling that matters in dispute between Crown and Parliament should not be pushed to extremities. Secondly, because any breach might have imperilled—a home thrust—the peaceful succession of King James himself. "Besides that, in regard of her sex and age, which we had great cause to tender, and much more, upon care to avoid all trouble which by wicked practice might have been drawn to impeach the fact of your Majesty's right in the succession, *those actions were then passed over which we hoped in succeeding time of freer access to your Highness of renowned grace and justice to restore, redress and rectify.*" Finally: the grievous disappointment of these hopes, and the danger that the proceed-

ings of this first Parliament might be taken as a precedent made it imperative to correct misapprehensions at once. Thus from the first moment that a Stuart king set foot on English soil the situation was one of infinite delicacy and difficulty. It could be saved, if saved at all, only by exceptional tact on the part of the Sovereign, and by a clear and accurate apprehension of the points at issue.

What was the precise scope and nature of the political problem which in the seventeenth century pressed insistently for solution? In barest outline it may be described as a contest for *Sovereignty*. Where, in the English Constitution, did ultimate sovereignty reside? Was it—as the Stuarts insisted, and as Thomas Hobbes of Malmesbury held—in the Monarchy? Or in the King in Parliament, according to the view of Eliot and Pym? Or in Parliament alone, as the Protectorate Parliaments contended? Or in the people as the Levellers taught? The question, though here academically stated, was far from being academic. Under the first two Stuart kings it touched practical politics at a hundred points; it lurked in questions of taxation; in the administration of justice; in matters affecting the personal liberty of the individual citizen, and in the broader, if not more important, questions touching the position of Parliament, and the relations of the Legislature, the Executive, and the Judiciary.

Such was the problem. What of the man who was called upon to solve it? James I. was described by a contemporary as the wisest fool in Christendom. The description was singularly inapt, for James was as far removed from folly as he was from political wisdom. He was in reality a pedantic doctrinaire: by no means devoid of learning, and with a considerable dash of practical shrewdness and sagacity, but with an unfortunate leaning to the study of political philosophy. Thus he came to England with preconceived views

as to the theory of the English Constitution, and the practical position of the English Crown. Small blame to James Stuart if he imagined that the Tudors had bequeathed to him a crown which was all but unlimited in authority. But it was the crowning irony of the situation that the success of the Tudor monarchs had rendered impossible, because unnecessary, a continuance of the Tudor monarchy. Well had it been for England had the Stuarts been able to discern this elementary but far from obvious truth. Writ large before the eyes of their subjects, it was unfortunately hidden from theirs. From the outset they propounded a theory of the English monarchy which was historically untenable, and politically fraught with mischief and confusion. Alike in his *True Law of Free Monarchies* and in speeches in the Star Chamber, James I. gave expression to doctrines which must have sounded strangely harsh in the ears of statesmen and lawyers trained in the tradition of Bracton and Fortescue and Hooker: "As for the absolute prerogative of the Crown, that is no subject for the tongue of a lawyer, nor is it lawful to be disputed. It is atheism and blasphemy to dispute what God can do; good Christians content themselves with His will revealed in His Word, so it is presumption and high contempt in a subject to dispute what a King can do, or say that a King cannot do this or that; but rest in that which is the King's will revealed in his law." [1]

The language of the King found an echo in that of Arminian preachers and legal professors. Thus Dr. Roger Mainwaring: "The King is not bound to observe the laws of the realm concerning the rights and liberties of his subjects, but his royal will and command doth oblige the subjects' conscience upon pain of eternal damnation".

Very similar is the language of Dr. Cowell, Reader in Civil Law at the University of Cambridge, and the author

[1] Speech in Star Chamber, 20th June, 1616.

of a law dictionary entitled *The Interpreter*, a work "noticed" by the House of Commons and prudently suppressed by Royal Proclamation. "The King," wrote Dr. Cowell, "is above the law by his absolute power; and though for the better and equal course in making laws he do admit the three estates, that is, Lords Spiritual, Lords Temporal, and the Commons into council, yet this, in divers learned men's opinions, is not of constraint, but of his own benignity or by reason of his promise made upon oath at the time of his coronation. For otherwise were he a subject after a sort and subordinate, which may not be thought without breach of duty and loyalty. For then must we deny him to be above the law, and to have no power of dispensing with any positive law, or of granting especial privileges and charters unto any which is his only and clear right." And again: "Of these two, one must needs be true that either the King is above the Parliament, that is, the positive laws of his Kingdom, or else that he is not an absolute King. . . . And, therefore, though it be a merciful policy, and also a politic mercy (not alterable without great peril), to make laws by consent of the whole realm, because so no one part shall have cause to complain of a partiality, yet simply to bind a prince to or by those laws were repugnant to the nature and constitution of an absolute Monarchy."

But such precepts, though characteristic of the Civil Law, had never found acceptance among English publicists. *Quod principi placuit legis vigorem habet* was a principle which had no place in English jurisprudence. So far back as the thirteenth century Bracton, to whose authority Cowell unwisely appealed, had explicity denied its validity, and had affirmed the contrary principle: "Rex autem habet superiorem, Deum scilicet; item legem per quam factus est rex; item curiam suam, videlicet comites, barones, quia comites dicuntur quasi socii regis, et qui habet socium habet magis-

trum: et ideo si rex fuerit sine fraeno, id est sine lege, debent si fraenum ponere, nisi ipsimet fuerint cum rege sine fraeno."

Two centuries later Sir John Fortescue, writing for the instruction of a Lancastrian prince, had set forth in unequivocal terms the essentially "limited" and "constitutional" character of the English monarchy: "A King of England cannot at his pleasure make any alterations in the laws of the land, for the nature of his government is not only regal but political. . . . He can neither make any alteration or change in the laws of the realm without the consent of the subjects nor burden them against their wills with strange impositions, so that a people governed by such laws as are made by their own consent and approbation enjoy their properties securely and without the hazard of being deprived of them either by the King or any other. . . . For he is appointed to protect his subjects in their lives, properties, and laws; for this very end and purpose he has the delegation of power from the people and he has no just claim to any other power but this." Even in the sixteenth century, when the sun of the Tudor monarchy was at the zenith, Hooker ventured to re-echo the language of the earlier constitutionalists. "*Lex facet regem;* the King's grant of any favour made contrary to the law is void; what power the King hath he hath it by law, the bounds and limits of it are known."

That the constitutional tradition was unbroken we may learn from such a work as Sir John Eliot's *Monarchy of Man*, no less than from the Parliamentary utterances of his immediate political associates. "The law," wrote Eliot, "is the ground of authority, all authority and rule a dependent of the law. The edict of Gratian was not only an edict for that time but for the generations of succeeding ages, and for all posterity to come. Rightly, therefore, and most worthily,

stiled an oracle. And in correspondence to this, is the modern practice of these times. Almost in all the states of Europe, princes at the assumption of their crowns assume and take an oath for the maintenance and observation of the laws. So, if we look either into authority or example, the use and practice of all times from the moderne to the ancient, the reason is still cleare, without any difficulty or scruple, *de jure*, in right, that princes are to be regulated by the laws, that the law has an operation on the Sovereign."

We are thus confronted on the threshold of the period with two contrasted and conflicting views as to the character of the English monarchy, and its place in the English Constitution. To prevent theoretical differences from developing into actual political conflict called for the exercise of patience and tact to which neither side justly can lay claim. It is only fair, however, to the Stuarts to remember that the doctrine of an indefeasible Divine hereditary right was in one sense thrust upon them by the circumstances of their accession to the English throne. By the will of Henry VIII. executed under special Parliamentary sanction, the Crown was settled upon the descendants of his younger sister Mary, to the exclusion of, or in preference to, those of his elder sister Margaret, Queen of Scotland. But on the death of Elizabeth the statutory claim of the Suffolks was quietly ignored, and no serious question was raised as to the superior practical validity of that of the Stuarts. A wise man would have left the matter there; but the Stuarts were never content to let sleeping dogs lie. They demanded not merely the practical recognition of a right, but the theoretical acceptance of a dogma. To be in actual and undisputed enjoyment of the English throne was not enough for a pedantic Scotch metaphysician. He must needs provoke dispute, if not conflict, by the formulation of a doctrine which would never be permitted to take its place un-

challenged among the constitutional maxims of a conservative and freedom-loving people.

Nor was the theory of *Divine Right* devoid of far-reaching political applications. In practice it resolved itself into perpetual insistence upon the doctrine that the Crown possessed a twofold power: an *ordinary* power, ascertained, bounded and limited by law; and a special or *extraordinary* power, unknown to and unlimited by law and to be exercised at the sole discretion of the Sovereign. It was in reliance upon this extraordinary or prerogational power that James I. intervened in the matter of impositions, and it was in deference to this doctrine that the Judges decided in favour of the Crown in the famous test case promoted by the Levant merchant, Bate. This again was the principle at the back of the argument urged on behalf of the Crown in the case of ship-money. The Judges had already declared their opinion that His Majesty was "the sole judge both of the danger and when and how the same is to be prevented and avoided". Hampden's Counsel—Oliver St. John and Holborne—might argue "that the Parliament by the law is appointed as the ordinary means for supply upon extraordinary occasions when the ordinary supplies will not do it," and that in this case the emergency was not so sudden or so pressing but that Parliament might have been summoned to meet it. But in view of the doctrine of inherent extraordinary power such argument was vain. Who could judge of the emergency but the King? Such power was "innate in the person of an absolute king and in the persons of the kings of England". The view taken by the Crown lawyers was endorsed by the judgment of the Court. Clarendon was aghast less at the decision itself than at the grounds upon which it was based. It was indeed "a logic which left no man anything which he might call his own".

Precisely the same principle was at the root of the Stuart contention as to the limits of personal liberty. The King required a forced loan. Honourable gentlemen declining to comply were committed to prison, and writs of Habeas Corpus were resisted by the Crown. What was the ground of committal and detention? *Speciale mandatum Regis.* Who could question, even in cases affecting the personal liberty of the subject, the special prerogative of the Crown—the reserve power vested in it for the benefit of the community at large. The same principle again is implicit in the Stuart claim to legislate by "proclamation," or to "suspend" or "dispense with" laws already made. It is unnecessary to multiply examples. But in passing we may observe that upon this foundation rests the whole of that great system of *Droit Administratif*, the absence of which so sharply differentiates English administration from that of her continental neighbours.

It is obvious that in every political community some such "reserve power," or "prerogative," must exist, and that some body or person must be entrusted with the exercise of the "discretion". Without it the executive would be nerveless and impotent, and the lack of governance would soon be disastrously apparent. But how can its existence be rendered compatible with adequate securities for the liberty of the individual citizen, and for the maintenance of political freedom in the community at large? That is the *crux* of the problem which confronts every political society as it emerges from the paternal stage. That was the essential core of the contest between the Stuart monarchs and their Puritan Parliaments.

The ultimate point at issue may be narrowed down with even greater precision. Who was to control the executive government? There was no sort of disposition among the popular leaders to get rid of the monarchy. There was no

settled design on the part of James I., or even Charles I., to get rid of Parliament. The latter, indeed, found the Parliamentary "hydra, cunning as well as malicious"; but had the early Stuart Parliaments been willing to confine themselves to the functions prescribed to them by Bacon—to make laws, to vote taxes, and to keep the King informed as to the state of public feeling—there would have been small cause for dispute between the Commons and the Crown. But such a position would no longer satisfy ardent Parliamentarians like Sir John Eliot and John Pym. They believed that the time had come for the assumption of a larger and more important function; that Parliament should not rest content with doing its legislative, its taxative, and its informative work; but that it should boldly lay hands upon the executive, that it should become a "government-making organ".[1] In the *Grand Remonstrance*[2] the claim is definitely avowed. "That His Majesty," so the section runs, "be humbly petitioned by both Houses to employ such counsellors, ambassadors, and other ministers, in managing his business at home and abroad as the Parliament may have cause to confide in, without which we cannot give His Majesty such supplies for support of his own estate nor such assistance to the Protestant party beyond the sea as is desired." Here we have an explicit demand for the appointment of an executive "responsible" to the legislature, as the sole condition for the continuance of adequate Parliamentary supplies. But twenty years before this Eliot had implicitly asserted the same principle. His attack upon Buckingham was inspired less by the desire to get rid of an incompetent favourite than by anxiety to vindicate the doctrine of ministerial responsibility. The bitterness with which Pym hounded Strafford to his death was not perhaps devoid of personal malice; but the swiftness with which he swooped upon his

[1] *Cf.* Seeley, *Lectures on Political Science.* [2] § 197.

prey, and the tenacity with which he clung to his illustrious victim, testify to his grasp upon the great principle for which Eliot died.

It seems idle to pretend that the position taken up by the Parliamentary leaders was wholly conservative, and that of the Crown purely reactionary. The time had come for the registration of an important stage in constitutional evolution; but however evolutionary the process, the work of registration is rarely accomplished without friction. In popular phraseology it is possible to describe Thomas Cromwell and Lord Burghley, Sir Robert Walpole and the younger Pitt as the "First Ministers" of their respective sovereigns. But no student of political science can suppose that the relation of Cromwell to Henry VIII. was in any sense analogous to that subsisting between Walpole and George I. The time may come when the Imperial Chancellor in Germany will be transformed into a Parliamentary Prime Minister, but it is ludicrous to imagine that the change could be effected without a profound modification of the balance of the Constitution.

But is it inevitable that the registration of an evolutionary change should involve revolution and civil war? That in England war and revolution were concomitants of this particular change is unfortunately true. But many circumstances combined to involve us in this disaster. Apart from the personality of the sovereigns, the times were ripe for change. It is difficult to believe that any amount of political sagacity or personal tact could for long have postponed a crisis. But such qualities might at least have secured that the crisis should be peacefully surmounted, and that political divisions should not have been accentuated to the point of war. Fortune has rarely proved herself more capricious or perverse than when she seated, at a supremely critical moment in English history, Scotch kings on the English throne.

Utterly lacking in political intuition, in sagacity and in sympathy, they never even began to apprehend the real nature of the problems by which they were confronted, or the character and prejudices of the people with whom they had to deal. But even so, had the point at issue been merely political, there would have been no civil war, and Falkland would not have died broken-hearted on the field of Newbury. The transition from personal to Parliamentary monarchy can hardly be otherwise than awkward. But the issues are not such as to involve the fiercest prejudices or the deepest passions of mankind. Had there been no Puritanism in the Puritan Revolution, had it been possible to isolate the political issue, had the Stuart kings been merely champions of the cause of personal monarchy, the struggle might have been severe, but the change would have been accomplished without bloodshed. It was the attack upon the Church which raised a party for the King ; and it was the narrow dogmatism and the naked intolerance of the Puritan zealots which converted Falkland into a minister of the Crown.

TANFIELD MONUMENT IN BURFORD CHURCH

CHAPTER III

THE PROBLEM OF THE AGE—ECCLESIASTICAL

IN the previous section an attempt has been made to define with some precision the scope of the constitutional problem which the seventeenth century was called upon to solve. But it has been shown that the political issue would not in itself have been sufficient to produce those deep divisions which eventually draw good men on both sides to plunge, however reluctantly, into fratricidal war. It needed the concomitant stimulus of ecclesiastical passion and religious zeal. It is necessary, therefore, to attempt a similar analysis of the conditions which prevailed in the spiritual sphere.

The ecclesiastical problem may be stated crudely thus. What was to be the connotation of the term *The Church*? Was the Church to be in the future as in the past co-extensive with the nation? Was it to continue to be the State in its ecclesiastical and religious aspect? Assuming an affirmative answer to this question, a second remained: What was to be the government and doctrine of this National Church? Was it to be Roman, Anglican or Puritan? Was it to be governed by Bishops or by Presbyters? Was it to look for definition of doctrine to Trent, to Augsburg, or to Geneva? Or might it rest content with the compromise of the Elizabethan Settlement? If, on the other hand, the old unity of Church and State was to be dissolved, if diversity of creed and worship and government was to be admitted, still more difficult and novel were the problems which would press for

solution. Were all creeds and churches to be on an equality, mutually tolerant of each other? Or was the State to associate itself in particular with one form of ecclesiastical organisation? If so, which was it to be? And what were to be the relations of the State and the State Church to the other religious bodies? It may be said at once that these latter questions were purely academic—at any rate during the earlier years of the century. Upon one point all parties were agreed: that the Church must be co-extensive with the nation. The only practical question to be decided was, whether that National Church should be Roman Catholic, Anglican or Presbyterian.

The first stage in the English Reformation had been closed by the Elizabethan Settlement. That Settlement was based upon the great Acts of Supremacy and Uniformity (1559), and upon the acceptance of the Thirty-Nine Articles, first by Convocation (1563) and subsequently by Parliament (1571). Effected by statesmen and not by theologians inevitably it was a compromise, which though acceptable to and accepted by the great mass of Elizabeth's subjects could not be otherwise than disappointing, if not distasteful, to the more zealous adherents both of Rome and of Geneva. What proportion of the nation these formed it is impossible to say. It is easy to trace the history of the English Reformation so far as it is recorded in the pages of the statute-book. It is not difficult to draw certain conclusions from confessions and creeds. But the attempt to gauge with precision the religious sentiments of the people at large is a task which baffles the most patient and ingenious historical research. But while admitting the liability to error, it is permissible to hazard the conjecture that the mass of the nation would have been well content had the Reformation movement been permitted to stop at the point where Henry VIII. ultimately left it.

Englishmen of all classes had long chafed under the domination of the Papacy; and they heartily welcomed the abrogation of Papal authority and the transference to the Crown of the Supreme Headship of the English Church. The whole body of the laity were glad to see the end of many clerical abuses and extortions, and they witnessed without regret the curtailment of the powers of the Ecclesiastical Courts and of Convocation. The dissolution of the monasteries, though not accomplished without some popular protest, at least formed an effectual guarantee against the complete restoration of the old order. But for any sweeping changes in doctrine or ritual few were prepared, and it may be surmised therefore that Henry VIII.'s *Six Articles* represented not unfairly the doctrinal preferences of the great majority of his subjects. With the accession of Edward VI. England was subjected to other influences. Foreign divines were appointed to important posts in the universities and elsewhere, and things began to move, steadily under Somerset, precipitately under Northumberland, in a Protestant direction. How little the new tendencies were liked by the people was proved by the insurrections under Edward VI., and still more by the unanimity of the welcome accorded to the daughter of Catherine of Aragon. But Queen Mary was not merely a fervent Catholic, but a fanatical Papist. For the restoration of Catholicism her subjects were prepared; to the complete reinstatement of Papal authority they demurred. The Marian persecution did far more for doctrinal Protestantism than the Edwardian divines; while the continental complications in which the country was involved by the Spanish marriage gave emphasis to the growing sense of nationalism in England.

For this, and for other reasons, the accession of Queen Elizabeth was hailed with enthusiasm by all parties. But

despite the warmth and unanimity of her welcome, the path of the new Queen was beset by appalling difficulties and dangers. Of these the ecclesiastical problem was the most urgent. Elizabeth may have possessed strong religious convictions, but she was not a keen partisan. More of a statesman than a theologian, she was apt to subordinate ecclesiastical to political consideration. But as a *politique* she was, perhaps, all the better fitted to preside over a settlement, which, from the nature of the case, was bound to be a compromise. That settlement, however, was accepted by the nation at large as at any rate sufficient for the time. As the reign went on, both parties became more restless. The Papacy could not afford either to ignore or to acknowledge the daughter of Anne Boleyn. In Mary Stuart the Papal party had ready to hand an excellent candidate for Elizabeth's throne. Circumstances brought the two Queens, and the two women, into lifelong antagonism. Thus from the moment of her flight into England, after the defeat at Langside, until the day of her death, Mary Stuart became the inevitable focus, if not the instigator, of ceaseless plots and intrigues against the Crown and life of Queen Elizabeth. Other elements of restlessness were not wanting. The devoted but mischievous labours of the Jesuit mission began in time to tell even upon the loyalty of the English Catholics. Elizabeth was moved to action slowly and with reluctance. For the first twelve years of her reign she steadily declined to interfere with the religious opinions of her subjects so long as they paid outward deference to the Established Church of the realm. But the attack delivered by the Papacy and sustained by the Jesuits and the Seminary Priests compelled Queen and Parliament to abandon the policy of prudent and tolerant *laissez-faire*. To speak of the statutes passed by Parliament for the protection of the Queen and country, or the con-

demnation of men like Campion and Parsons as savouring of religious persecution, is simply an abuse of language. The Government were reluctantly driven to use the only weapons at their command to avert a grave political danger.

The problem presented by the position of the Puritans was much more complex. Whitgift's crusade against them cannot be justified on the ground of political necessity. But it is impossible to deal fairly either with Elizabeth or her successors without bearing in mind the nature of the Puritan demand. It was not a claim for toleration. The obscure Brownist congregations might have been glad to accept it, but Independency did not become the dominant force in Puritanism until the Civil War. The Presbyterian claimed nothing less than the right to impose his elaborate system of Church government and his detailed and definite creed upon the whole nation. And his claim was based upon the loftiest and most uncompromising principles. The *jus divinum* of Geneva was in no sense less rigid or more complaisant than that of Rome.

But although there were moments during the reign of Queen Elizabeth at which it seemed that principles would be pushed to their logical extremes, the times were so critical, external dangers were so menacing, and the sense of obligation to the Queen was so general and so profound that there was a strong disposition in the ecclesiastical not less than in the political sphere to postpone the assertion of extreme claims to a more convenient season.

The opportunity came with the death of the old Queen and the accession of James I.

The Stuart king found himself face to face with three ecclesiastical parties, two of which contained several subdivisions. As to the position and claims of the Roman Catholics there was no ambiguity. The great wave of the Counter-Reformation had spent something of its force, but

the Roman Church had emerged from the storms of the preceding century strengthened and invigorated, and its leaders in England looked hopefully to the accession of the son of Mary Stuart. Logically they could accept nothing short of complete and undivided supremacy; in practice they were anxious to obtain the largest possible instalment of toleration. Some considerable measure they had, under the circumstances, a right to expect. James indeed made no secret of his own devotion to Protestantism, or of his desire to rid his kingdoms of Jesuits and priests. But, before his accession, he had assured Cecil that he was unwilling that the blood of any man should be shed for diversity in religion, and he repeated the assurance in his first Parliament. It is true that he refused to give Pope Clement VIII. any definite encouragement, despite the Pope's promise that he would oppose any attempt on the part of the Roman Catholics to exclude James from the throne. On the other hand, the importunity of Northumberland was not without result. "As for the Catholics," wrote the King, "I will neither persecute any that will be quiet, and give but an outward obedience to the law, neither will I spare to advance any that will by good service worthily deserve it." Similar assurances were repeated more than once during the first months of the reign, and James honestly endeavoured to fulfil his promise. In the existing temper of Parliament it would have been sheer madness to attempt to repeal the penal laws which pressed with such severity upon the Roman Catholics; but though they remained upon the statute-book they were enforced only against priests, while the recusancy fines incurred by laymen for non-attendance at Church were generally remitted. It was not a large measure of toleration, but the results were sufficiently marked to alarm a Puritan Parliament and a timid King. Before the first year of the reign was out the strength of the Roman priest-

hood in England had been reinforced by the landing of 140 missionaries; many conversions were effected, and returns ordered by the Government showed, as was to be expected, a large increase in the number of recusants. On 22nd February, 1604, the King, on the advice of the Privy Council, issued a proclamation for the banishment of all priests before the end of March; but when Parliament met on 19th March he gave renewed expression to the hope that the behaviour of the Catholic laity would enable him to relieve them from persecution. It was a vain hope. The increase in the number of avowed Catholics was so obvious and so alarming that in July the King assented to a Bill by which the penal laws were re-enacted with increased stringency. Even now they were not to be immediately enforced, but to be held *in terrorem* over the heads of the Catholics. The policy was thoroughly characteristic of its author; of his amiable intentions and his practical ineptitude. The result was such as any statesman would have anticipated. It alarmed the Puritans without conciliating the Catholics. Resting upon no intelligible principle, it could not possibly afford a basis for a permanent solution of the problem. The position of the Catholics was for the moment tolerably satisfactory. How long it would remain so depended absolutely upon the will of an unstable King, and upon his view of the exigencies of the political situation. A few months sufficed to show that their position was exceedingly precarious. Rumours reached England that the King's conversion was imminent; the Spanish ambassador demanded as a condition of a marriage that Prince Henry should be sent to Spain to be educated as a Catholic. The rumour was groundless, and the demand was not seriously entertained. But the results were disastrous to the Catholics. In February, 1605, James protested to the Council "his utter detestation of their superstitious religion, and that he was

so far from favouring it as, if he thought that his son and heir after him would give any toleration thereunto, he would wish him fairly burned before his eyes". It was the violent language of a weak man. But weak as he was James was almost alone in his leanings towards toleration. An order was issued for the execution of the penal laws, which judges and others were only too eager to obey, and the immediate result was that nearly six thousand persons were convicted of recusancy. Persecution was followed by conspiracy; the enforcement of the penal laws by Gunpowder Plot.

An ingenious attempt has recently been made to represent the plot as a manufactured conspiracy devised by zealous Protestants for the purpose of terrifying the King into persecution. "There are," writes Father Gerard, "grave reasons for the conclusion that the whole transaction was dexterously contrived for the purpose which in fact it opportunely served, by those who alone reaped benefit from it,"[1] in other words, by Robert Cecil (Lord Salisbury), and the ultra-Protestants. Mr. S. R. Gardiner has, however, completely knocked the bottom out of Father Gerard's argument, and we may, therefore, if we will, continue to celebrate the Guy Fawkes' festival, secure from the haunting dread that we are assisting in the perpetuation of an historical imposture.[2]

Meanwhile, the vicious circle was completed. The enforcement of the penal laws drove the Catholic extremists into a treasonable and murderous conspiracy; the conspiracy shattered all possibilities of toleration, and impelled the Government to further penal legislation. Viewed from the lofty eminence of twentieth-century criticism, such legislation appears to be both wicked and stupid. But the seventeenth century was far removed from the twentieth; the time for

[1] Father Gerard, *What Was Gunpowder Plot? The Traditional Story tested by Original Evidence.*

[2] S. R. Gardiner, *What Gunpowder Plot Was.*

theoretical toleration was not yet. Acts of great severity were placed upon the statute-book, but, nevertheless, the position of the Catholics steadily improved. Rigid enforcement of the penal laws was incompatible with negotiations for a Spanish match; and, later on, the advent of Queen Henrietta Maria was naturally followed by still further improvement in the lot of her co-religionists. There were, of course, from time to time, outbursts of anti-Roman fanaticism, but they recurred with diminishing force and at increasing intervals. The fact is that the position of the English Papists gradually ceased to present a serious political problem. Perfect loyalty to their Church was proved in course of time to be in no wise inconsistent with perfect loyalty to Crown and State; and although, for two centuries, they were excluded from power, and even debarred from the exercise of the ordinary rights of citizenship, they ceased to be regarded as a menace to the safety of the commonwealth.

Infinitely more complex was the problem presented by the position of the Puritans. The term itself demands definition, for it is frequently employed with confusing inexactitude. The term as used in the first half of the seventeenth century really embraced three more or less distinct ecclesiastical parties: the evangelican Churchmen or "conforming Puritans"; the Presbyterians; and the Independents and other less defined Sectaries. With the first and possibly with the third section some compromise might perhaps have been effected: with the second it was impossible. It was, in reality, the high and exclusive claims of Presbyterianism which constituted the real stumbling-block in the path towards religious unity, or at the least towards religious toleration, in the period under review.

The one bond of union between the different sections of Puritanism was the acceptance of the doctrine, though not

the system of Church government, dictated from Geneva. The conforming Puritans were not opposed to Episcopacy, but they accepted it without enthusiasm, repudiated the *jus divinum*, and desired to see it shorn of many of its characteristic attributes. It is probable that in time this party would have been drawn gradually and insensibly into full acceptance of the Presbyterian system with its virile organisation, its clear-cut dogmas, and its strong and effective discipline. Prince, a Puritan writer entitled to respect, thinks otherwise. "If," he writes, "the unscriptural parts of the Common Prayer had been removed, or the ceremonies left indifferent; the Popish habits changed for more comely garments; the Pope's decrees with the Inquisition oath called *ex officio* abolished and the Hierarchy thus reformed: the general frame of Diocesan Episcopacy had no doubt remained untouched, and almost all the people of England had continued in it without uneasiness."[1] We cannot pursue a speculation which is as fascinating as it is futile; but it is important to remember that so late as the reign of Charles I. "the great majority of the Puritans were not Separatists from the communion of the Church of England, but formed a party *within* the National Church".[2]

It was these "conforming" Puritans who at the very outset of the new reign presented to James I. the Millenary Petition. The Petitioners prayed: (1) That certain alterations might be effected in the Church service; that the sign of the cross in baptism, the use of the ring in marriage, the cap and surplice, such terms as "Priest" and "absolution" should be omitted, and the rite of confirmation abolished; (2) that none should be admitted into the ministry "but able and sufficient men"; (3) that certain abuses connected with non-residence, pluralities, and tithe impropriation should

[1] *Chronological Annals of New England.*
[2] Sanford, *Great Rebellion.*

be abolished, and (4) that Church discipline, more particularly as administered by the ecclesiastical courts and enforced by the oath *ex officio* should be reformed.[1] It is these "conforming" Puritans again whose position is defined in the *Apology* of 1604:—

"For matter of religion it will appear by examination of the truth and right, that your Majesty should be misinformed if any man should deliver that the Kings of England have any absolute power in themselves either to alter religion (which God forfend should be in the power of any mortal man whatsoever) or to make any laws concerning the same otherwise than in temporal causes by consent of Parliament. We have and shall at all times by our oaths acknowledge that your Majesty is sovereign lord and supreme governor in both. Touching our own desires and proceedings therein they have been not a little misconceived and misinterpreted. We have not come in any Puritan or Brownist spirit to introduce their parity, or to work the subversion of the state ecclesiastical as it now stands . . . we came with another spirit, even with the spirit of peace; we disputed not of matters of faith and doctrine, our desire was peace only and our device of unity how this lamentable and long standing dissension among the ministers might at length be extinguished. . . . Our desire hath been also to reform certain abuses crept into the ecclesiastical state even as into the temporal; and lastly that the land might be furnished with a learned, religious and godly ministry for the maintenance of whom we would have granted no small contribution if in these (as we trust) just and religious desires we had found that correspondency from others which was expected."

How far the repudiation of "Puritanism" and of revolutionary aspirations was sincere, or rather how far the "con-

[1] For text *cf.* Gee and Hardy, *Documents Illustrative of English Church History*.

formists" appreciated the full force and signification of their own position and demands, it is very difficult to say. But this much is clear from the proceedings of the Hampton Court Conference. Rightly or wrongly James I. confounded Puritanism with Presbyterianism, and was resolutely minded to discourage both as inimical to the monarchical idea. "Presbyterianism," he declared, "agreeth as well with monarchy as God and the devil. Let that government be once up we shall all of us have work enough, both our hands full."

The position of the Presbyterians is really free from ambiguity. But it has been curiously misconceived, and in view of the prominent part played by Falkland in the defence of the established system, it is necessary to define it with precision. Milton's famous epigram expresses the exact truth. "New Presbyter is but old Priest writ large." The Presbyterian, no less than the Roman or Anglican, believed in a Church, visible, universal, and Divinely ordered. The *jus divinum* of Presbyterianism was as clear and precious to him as the *jus divinum* of Episcopacy to the Catholic. His claim on behalf of his Church, made to and conceded by the Westminster Assembly, is thus stated by Baillie, the most representative Presbyterian writer of the time: "A Presbytrie, even as we take it, is ane ordinance of God, which hath power and authoritie from Christ, to call the ministers and elders, or any in their bounds, before them, to account for any offence in life or doctrine, to try and examine the cause, to admonish and rebuke, and if they be obstinate, to declare them as Ethnicks and publicans, and give them over to the punishment of the Magistrates; also doctrinallie, to declare the mind of God in all questions of religion, with such authoritie as obliedges to receave their just sentences."[1]

Hence the Presbyterian did not and could not ask for

[1] *Letters*, ii., 147.

toleration, for permission to exist side by side with the Anglican. He demanded exclusive ascendancy; and that the English Church should be remodelled as regards government, formularies, ritual, and discipline, on the lines laid down in the *Commentaries* of John Calvin. The Presbyterian was in fact the High Catholic of Puritanism, and the Genevan type of Catholicism was even less Erastian than the Roman. That Calvinism involved republicanism was untrue; but James I. was shrewdly right in perceiving that the system which he knew in Scotland was distinctly repugnant alike to the spirit of the State Church in England and to the theory of monarchy which the Stuarts sought to establish.

But of all extraordinary misconceptions the strangest and perhaps the most persistent is that which identifies the spirit of Puritanism with that of religious liberty. Puritanism—at least in its Presbyterian phase—was in its essence bitterly intolerant. Two things poor Dr. Baillie regards with abhorrence. One is a "lame Erastian Presbytery," as desired by Selden and the Parliamentary lawyers. "The Pope and the King," he groans, "were never more earnest for the headship of the Church than the pluralitie of this Parliament." The other is the idea of toleration. "Some few of the most active men of the House of Commons and armie are for too general a libertie for all consciences; but the most of both Houses are right and sound, and the bodie of the city is zealous against all errors and confusions."[1] At the same time with delightful inconsistency he deplores the lack of tolerance among the New England Puritans. "In all New England no libertie of living for a Presbyterian. Whoever there, were they angells for life and doctrine, will assay to sett up a diverse way from them (the Independents) shall be sure of present banishment."[2] What was sauce for the old England goose was far from being, in Baillie's

[1] Baillie, *Letters*, ii., 413. [2] ii., 165.

eyes, sauce for the New England gander. "Angells for life and doctrine," unless they were willing to submit to the Presbyterian yoke, had no chance of toleration at the hands of the Westminster divines. With the Presbyterians, therefore, no compromise was possible. They asked for none, and could accept none. James I. has been severely blamed for his conduct of the Hampton Court Conference, and for the failure to comprehend all Protestants in one truly National Church. The criticism ignores the fact that in 1604 the dominant element in Puritanism was the Presbyterian, and that the claims of Geneva were as high and exclusive as those of Rome.

As the seventeenth century went on the centre of gravity in Puritanism unquestionably shifted. Thanks in large measure to the victories of the New Model in the field, the Independent section pushed rapidly to the front. Known originally as Brownists or Separatists, more lately as Congregationalists, the fundamental conception of this group was the separate or independent organisation of each congregation. They pushed the root principle involved in Protestantism to its logical conclusion. A church, according to the definition of Robert Browne himself is "a companie or number of Christians or believers who by a willing covenant made with their God are under the government of God and Christ and keep His laws in one holy communion". Theoretically there was nothing in their system inconsistent with religious liberty. And so long as they were in opposition they strongly favoured it. "The great shott of Cromwell and Vane," writes Baillie in 1644, "is to have a libertie for all religions, without any exceptions."[1] And again: "The most of their partie are fallen off to Anabaptisms, Antinomianisms and Socinianisms; the rest are cutted among themselves. One Mr. Williams has drawn a

[1] *Letters*, ii., 230.

great number after him, to a singular Independencie, denying any true Church in the world, and will have every man to serve God by himself alone without any Church alone. . . . We hope, if once we had peace, by God's help, with the spirit of meekness mixed with a little justice, to gett the most of these erroneous spirits reduced."[1] "The humour of this people is very various, and inclinable to singularities, to differ from all the world, and one from another and shortly from themselves. No people," he adds despairingly, "had so much need of a Presbytrie." The spirit of meekness mixed with a little justice, as conceived by the Presbyterian, never got the much desired chance in England; as conceived by the Independent it did. The history of the Protectorate, and still more the early history of New England, is a standing illustration of the difference between a party in opposition and a party in power. Despite the wise warnings of Pastor Robinson, the Roger Williamses and Mrs. Hutchinsons got short shrift from the Puritan rulers in New England. Under the Puritan rule in old England there was, it is true, toleration for all Christians save "Papists and Prelatists;"—for all, that is, except a large majority of the population. These considerations are not adduced with the object of imputing blame to this party or to that, but solely in order to illustrate the insuperable difficulties of the religious problem in the seventeenth century, and the entire futility of much of the criticism which, in a spirit far from historical, has been liberally expended upon the rulers of the time.

An attempt has been made to define the position of Romans and Puritans; it remains to deal with that of the third great party, the Anglicans, or, as they were then termed, the Arminians.

The Arminian movement contained many cross currents,

[1] ii., 191.

and many apparently contradictory tendencies. On the one hand it represented an appeal to authority and tradition; on the other an intellectual revolt against the narrow dogmatism of Geneva. Hooker is a not less characteristic exponent of its principles than Andrewes and Laud. It still commands, therefore, the respect both of the "rational theologian" and the Anglo-Catholic. Thus Principal Tulloch joins hands with Mr. H. O. Wakeman. "If the Church of England," writes the former, "had never produced any other writer of the same stamp, it might yet have boasted in Hooker one of the noblest and most rational intellects which ever enriched Christian literature or adorned a great cause. In combination of speculative, literary, imaginative, and spiritual qualities the *Laws of Ecclesiastical Polity* stand as a polemical treatise, unrivalled. . . . Nowhere in the literature of philosophy has ethical and political speculation essayed a profounder and more comprehensive task, or sought to take a broader sweep; and never has the harmony of the moral universe, and the interdependence and unity of man's spiritual and civil life, in their multiplied relations, been more finely conceived, or more impressively expounded. . . . Many writers are more acute, subtle, and forcible in detail. . . . None ever dwelt in a more lofty, serene, and truthful atmosphere, or raised himself more directly, by mere grandeur and largeness of conception, above all the petty and vulgar details which beset controversy even on the greatest subjects. The work remains an enduring monument of all the highest principles of Christian rationalism—of that spirit and tendency of thought which everywhere ascends from traditions or dogmas to principles, and which tests all questions, not with reference to external rules or authorities, but to the indestructible and enlightened instincts of the Christian consciousness."

Hooker's *Ecclesiastical Polity* may be regarded as the

first stage in the evolution of English Arminianism. Seeking for a basis on which Church government might philosophically rest, Hooker found it, as a modern writer has well said, "in the supremacy of law, explained by and founded on reason. . . . Andrewes is the bridge which separates and which unites Hooker and Laud. In all three is conspicuous the desire to defend the system of the Church by proving it to be at once Scriptural, reasonable, and historical. All three, therefore, acknowledge the claims of authority; but to each authority comes in a somewhat different form. To Hooker it is the authority of the law of a Divinely guided reason, through which is discerned the mind of God working in the mind of man. . . . To Laud . . . authority comes in the form of the law of the society of which he is an officer. . . . To Andrewes . . . that authority appeals not so much in the crystalline form of canon or of rubric, as in the historical form of the society itself. . . . Hooker appealed to the head, Andrewes to the heart and Laud to the conduct of Englishmen."[1]

The supreme objects of the Arminian party, as represented by Archbishop Laud, were twofold: firstly, "a doctrinal clearance, the subjugation of the Calvinistic spirit in the Reformed Church of England";[2] and secondly, an emphatic assertion of what appeared to them to be the essential doctrines and principles of the Anglican Church. Prominent among these were—the Divine origin and rights of episcopacy; the unbroken continuity of Episcopal succession from the times of the Apostles; the necessity of a visible Church; the doctrine of sacramental grace, and the propriety of order, decency and reverence in Christian worship. "The strength of Arminianism," as Mr. Wakeman insists, "was found in its vivid realisation of the continuous life of the

[1] H. O. Wakeman, *The Church and the Puritans.*
[2] Canon J. B. Mozley, *Essays.*

Church, in its fearless reliance upon history, and in its deep sympathy with man's moral nature. It was soon to show its weakness in the confusion which it brought about between spiritual and civil authority."[1]

In its relation to the problem of the seventeenth century, the significant feature of Arminianism is this alliance with the Stuart monarchy. The alliance was struck at the Hampton Court Conference, where, according to the Bishops, "His Majesty spoke by inspiration of the spirit of God". Whatever the source of inspiration the practical result was significant. "No Bishop, no King" expressed a working policy; the fortunes of the Stuart monarchy were indissolubly linked with those of the Anglican Episcopate. The alliance was confirmed as the years went on. In 1619 Dr. Richard Montague, afterwards Bishop of Chichester, published a work with the fantastic title, *A New Gag for an Old Goose*, the object of which was to vindicate the "Catholicism" of the English Church. The House of Commons, in alarm, appealed to Archbishop Abbot to suppress the writer. Montague, nothing daunted, produced a second work, with the significant title, *Apello Caesarem.* His bold appeal to the King concluded with the words, "Defend me with the sword and I will defend thee with the pen". The Stuarts were not slow to respond to the appeal. The Commons might remonstrate, as in June, 1628, against the Arminian leaders; they might deplore, as in February, 1629, "the subtle and pernicious spreading of the Arminian faction: whereby they have kindled such a fire of division in the very bowells of the State, as if not speedily extinguished, it is of itself sufficient to ruin our religion;"[2] but the Crown was steadfast to the alliance. Charles's significant reply was the promotion of prominent Arminians. Montague himself was made Bishop of Chichester and subsequently of

[1] H. O. Wakeman, *op. cit.* [2] *Resolutions on Religion.*

Norwich; Buckeridge, Bishop of Ely; John Howson, Bishop of Oxford, was preferred to Durham; Neile to Winchester; Montaigne to York; and Laud, to the dismay of the Puritans, was transferred from Bath and Wells to London (1628), and five years later to Canterbury. Any services rendered to the Prerogative by the Arminian preachers were indeed richly rewarded. Before Laud's preferment to Canterbury, Parliament had been silenced. Dissolved in 1629 it never met again until 1640. "The people of England," wrote the Puritan May,[1] "from that time were deprived of the hope of Parliaments; and all things so managed by public officers, as if never such a day of account were to come."

It was during this Parliamentary interregnum that Falkland attained to manhood, and first began to interest himself in those problems which were already agitating and which were soon to distract his native land. For purposes of analysis I have thought it well to isolate the two main problems by which England was confronted in his day; all the more necessary is it to repeat the warning[2] that the two problems were in reality inextricably confused, and that but for their confusion there would have been no Civil War.

[1] The Clerk and Historian of the Long Parliament.

[2] *Cf. supra*, p. 26.

BOOK II

CHAPTER I

PARENTAGE, BIRTH, EDUCATION AND MARRIAGE

LUCIUS CARY, the second Viscount Falkland, was born, according to the common tradition, commemorated by Anthony Wood, at the famous old Cotswold town of Burford, in North Oxfordshire.[1] A similar tradition points to 1610 as the probable year of his birth, but neither as to place or time is there positive evidence. Like so many of the more distinguished of his contemporaries he came, on his father's side, of sound West-country stock, though in the late sixteenth century his grandfather migrated to Hertfordshire and established himself at Aldenham and Berkhamstead. Lucius was the eldest son of Sir Henry Cary, who was subsequently raised to the peerage as Viscount Falkland in the county of Fife, by his marriage with Elizabeth Tanfield. This first Viscount, of whom something must be said hereafter, was the eldest son of Sir Edward Cary, Knight of Aldenham, Herts, and of Catherine, the daughter of Sir Henry Knevet. The elder line of the Cary family remained faithful to the West

[1] "Whether this Lucius was born at Burford (as some think he was) the public register of that place, which commences about the beginning of the reign of King James I., takes no notice of it: however, that he was mostly nursed there by a wet and dry nurse, the ancients of that town, who remember their names, have some years since informed me" (Wood, *Athenæ*, ii., 566).

ELIZABETH SYMONDES, AFTERWARDS LADY TANFIELD

FROM A PICTURE IN THE POSSESSION OF VISCOUNT DILLON AT DITCHLEY PARK

country, where it is still represented by the Carys of Torr Abbey, in the county of Devon.[1]

On his mother's side Lucius may be described as an Oxfordshire man, for the first Lady Falkland was the only daughter and heiress of Sir Lawrence Tanfield, Chief Baron of the Exchequer, and Lord of Burford and Great Tew. Sir Lawrence's wife also had Oxfordshire connections. She was Elizabeth Symondes, daughter of Giles Symondes of Claye, Norfolk, and niece of Sir Henry Lee, K.G., of Ditchley, the famous ranger of Woodstock Park, who has been immortalised, by a convenient anachronism, in Sir Walter Scott's romance. The maternal grandparents of Falkland were at least distinct personalities, and as something of their personality descended to him a word must be said of them. Sir Lawrence Tanfield, the son of Robert Tanfield of Burford, was a successful lawyer. He entered the Inner Temple in 1569, rose rapidly to eminence in his profession, and was elected to the House of Commons for the borough of New Woodstock in 1584. He continued to sit for the borough in all the remaining Parliaments of the reign, and before the death of the Queen he had become a person of such consequence that James I. spent a night with him at Burford on his journey South in 1603. In the first Parliament of the new reign Tanfield represented the county of Oxford, but three years later was raised to the Bench, and in 1607 became Chief Baron of the Court of Exchequer. Both Sir Lawrence Tanfield and his wife were unmistakably persons of strong character, though opinions differ as to the interpretation to be placed on various episodes in their several careers. The impression given by the documentary evidence in the House of Lords[2] is, in both cases, decidedly unpleasant.

[1] The Carys, though long settled in Devonshire, were of Scotch extraction. *Cf.* Harl. 2043, *B.M. Class. Cat.*, Biog., iii., f. 162.

[2] *Cf.* Hist. MSS. Com., 3rd Report, 31-33 (House of Lords MSS.).

Lady Tanfield is roundly accused of having accepted bribes to influence her husband's decisions on the Bench, while, according to the same scandalous accuser, the Chief Baron himself was not inaccessible to similar inducements. Thus on 14th May, 1624, a petition was presented to the House of Lords by one Philip Smith, a prisoner in the Fleet, who asserted that in a case tried before the Chief Baron in which he was plaintiff, Lady Tanfield accepted £20 from him, and was promised another £20 "if Sir Lawrence would do justice". Sir Lawrence himself, however, received a piece of plate from the defendant in whose favour he gave judgment. In another case Lady Tanfield was said to have received £50 before the plaintiff could get a hearing. Smith further declared that he himself had been unjustly committed to prison by the Chief Baron for contempt of court. Sir Lawrence, on the other hand, filed an answer declaring the charges against his wife and himself to be "utterly untrue," and "the Lords Committees for Petitions" ordered "that this scandalous petition shall be rejected".

But whatever be the truth as to the corruptibility of Sir Lawrence Tanfield as a judge, it is clear that he made himself exceedingly unpopular among his humbler neighbours in North Oxfordshire. The rights of the case cannot now of course, be determined. It is more than possible that Tanfield merely incurred the odium so frequently attaching to a new man and an improving landlord. But it is obvious that he came to loggerheads with the old inhabitants. He appears to have bought the manor of Michael Tue (or Great Tew) in Oxfordshire about the year 1614. Ten years later we find the "poor oppressed inhabitants" petitioning the House of Lords against their Lord. They alleged that they had "time out of mind enjoyed right of pasture over Cowhill pasture, containing about three hundred

SIR LAURENCE TANFIELD

AFTER AN ORIGINAL PICTURE AT BURFORD PRIORY (ATHOW)

acres," but that Sir Lawrence had "thrust out the inhabitants from the enjoyment of the said pasture, claiming it as his 'waste'". The great lawyer was, of course, a formidable adversary where a question of manorial rights was concerned. "Not daring to contend with him they submitted to his mercy, but soon tasted the misery thereof, getting little or no compensation for their rights." But that was not all. "Sir Lawrence has enclosed seven parcels, the best feeding on their known common, and impounds any cattle straying therein. He has digged up their 'mearstones and marks,' which must breed dispute and enable him to get possession by little and little of lands on which some of the petitioners' ancestors have lived for 400 years." They complain, moreover, "that under their leases the tenants are granted great timber for repairs, but now are denied the timber, and yet fined for not repairing; that Sir Lawrence threatens to root them out if they will not do his pleasure." Worse still; he is not merely a bad neighbour, but a bad churchman. "He refuses to pay any duties to the Church for thirty-six yard lands of his own demesne." But if Sir Lawrence was a hard man "the lady his wife" would appear to have been a virago. She "saith that the inhabitants of Tu are more worthy to be ground to powder than to have any favour shewed them, and that she will play the devil amongst them". Moreover: "Sir Lawrence and his lady said they should never improve their revenue till they had 'sunk' John Hiron, one of their tenants". They had "brought an action against him in the King's Bench for petitioning the Prince against them, and got a verdict by default, Hiron being unable to retain counsel". The petitioners further complain "that Sir Lawrence has inclosed many pieces of Hiron's known lands, and thereby stopped his right of way to other of his lands, forcing him to go a mile round to them, and has impounded his cattle without cause, while Sir Lawrence's

cattle and swine are constantly straying. When Sir Lawrence bought the manor there were twenty-six plough teams, but now the inhabitants are so impoverished by his oppression that there are but twelve. He has taken the lead from the chancel of the Church to make pipes and gutters for his own house, has pulled down the churchyard wall, and thrown part of the churchyard into a pasture of his own. He will not give the allowance of straw which the inhabitants have had for many years from the parsonage barn for them to kneel upon in Church. At his Court's leet Sir Lawrence put his servants and unfit persons on juries, and has further oppressed the inhabitants by seizure of crops and horses under colour of legal proceedings."

In answer to these detailed accusations of harshness and fraud, the Chief Baron made answer that the whole thing had been trumped up by John Hyrone (Hiron), "a man very malicious, of a violent spirit, and extremely audacious, daring to affirm things untrue for truth, without fear of God". Hiron had been "justly punished in law" for his "violent conduct and false accusations". It was true that there had been disputes, but they had all been settled "either by course of law or by arbitrament of friends".

In view of the fact that Falkland spent the happiest days of his life at Great Tew, the story of these quarrels between the Lord of the Manor and his tenants has an interest of its own. But its bearing upon the characters of the Chief Baron and his wife is not easy to determine. We should naturally be tempted to regard it simply as evidence of the bad blood stirred up among conservative and unprogressive villagers by a keen-witted lawyer determined to improve the estate he had recently acquired. The process of enclosing was, of course, always unpopular, and readily lent itself to accusations of harshness, if not of fraud. Particularly was this the case when the encloser was a "new

man," and a lawyer. Unfortunately, however, the position of the "poor oppressed inhabitants of Great Tewe" does not stand alone. Another petition is presented to the House by one William Warmstrey who held "one third of the parsonage of Bleddington, Oxon." Warmstrey declared that Sir Lawrence Tanfield and his wife "having got possession refuse to quit or to pay any rent". This matter appears to have been amicably settled. Not so the petition of one John Andrews, who declared that "the Chief Baron had forced a sale of foreclosure of the rectory of Astall and Falbrook, Oxon., mortgaged by the petitioner, though the mortgagees had promised him further time for payment; that Tanfield had then bought the land himself but had failed to pay a large part of the purchase money". Andrews' version of the story was of course indignantly denied by the Chief Baron, but he found it apparently less easy to dispose of a charge of fraud brought against him by Sir Anthony Maine, a near kinsman of his own. The story, if true, is a warning against seeking the professional assistance of relations. Sir Anthony declared that he had consulted Tanfield in regard to a lawsuit in which he was engaged, and that Sir Lawrence "under colour of assisting him had got possession of the property in dispute". The tenor of Tanfield's reply is not unfamiliar to students of law reports. According to his version he had gone out of his way to do his kinsman a kindness "to the neglect of his own business," and had been rewarded by accusations of fraud.

Tanfield is not the only lawyer who has shown himself impatient of the stupidity of a layman—particularly if the layman happens to be a kinsman who has sought and obtained gratuitous professional advice. Nor, on the other hand, are the suspicions of laymen always without foundation. How far the Chief Baron and his lady were guilty of the many charges brought against them, it is impossible to

say; but that they were high-handed, tactless and overbearing persons is tolerably clear. Sir Lawrence died in 1625, and Lady Tanfield four years later.

The only surviving child of their marriage was a daughter, Elizabeth, who in 1600 had become the wife of Sir Henry Cary, afterwards the first Viscount Falkland. For reasons to be explained presently, Lady Falkland had quarrelled with her parents and had been disinherited. Consequently, on the death of Lady Tanfield, the whole of the Oxfordshire estates, said by Clarendon to have been worth some two thousand a year, passed by settlement to Lucius Cary.

Elizabeth Tanfield, as from her parentage we should expect, was a woman of strong character and remarkable ability. Her memory has been preserved mainly perhaps owing to the fact that she became, early in her married life, a convert to Roman Catholicism;[1] but it is by no means unworthy of record on other grounds. She was born at Burford in 1585, and there she spent her childhood until, at the age of fifteen, she was married to Sir Henry Cary. From babyhood she seems to have been addicted to learning, especially to the study of languages. "When she was but four or five years old," so runs the *Life*, "they put her to learn French, which she did about five weeks, and, not profiting at all gave it over: after, of herself, without a teacher, whilst she was a child she learned French, Spanish and Italian; . . . she learned Latin in the same manner. . . . Hebrew she likewise about the same time learned with very little teaching. . . . She then learned also of a Tran-

[1] A life of Elizabeth Tanfield, the first Lady Falkland, was printed in 1861 from a MS. in the Archives of the Department of the North in Lille, having been removed thither from the Convent of the English Benedictine Nuns at Cambray. It was written by one of her four daughters, and corrected by her son, Patrick Cary. It has been modernised—but uncritically—by Lady Georgiana Fullerton.

sylvanian his language; but never finding any use of it, forgot it entirely."

Of her childhood there are many stories recorded by her daughter illustrative of her shrewd wit, her rare acumen, and above all her devotion to the pursuit of learning. "She frequently," says her daughter, "read all night, so as her mother was fain to forbid her servants to let her have candles; which command they turned to their own profit, and let themselves be hired by her to let her have them, selling them to her at half a crown a piece, so was she bent to reading; and she not having money so free, was to owe it to them." The sequel proves not only her zeal but her improvidence and her honesty. "In this fashion was she in debt £100 before she was twelve years old, which with two hundred more for the little bargains and promises she paid on her wedding day."[1] She failed to develop habits of business as the years went on. During her husband's rule in Ireland she interested herself greatly in the foundation of industrial schools in Dublin. Nothing that kindly zeal could do to ensure their success was lacking, but it is none the less an indisputable fact that they proved a failure. Lady Falkland, in retrospect, attributed the failure to the baleful Protestant influences brought to bear upon the children. Her filial biographers, though not less ardent in their Catholicism than their mother, suggest another possible reason. "Others thought it rather that she was better at contriving than executing, and that too many things were undertaken at the very first, and that she was fain (having little choice) to employ either those that had little skill in the matters they dealt in, or less honesty; and so she was extremely cozened, which she was most easily, though she were not a little suspicious in her nature, but chiefly the ill order she took for paying money

[1] *Life*, p. 7.

in this (as in all other occasions) having the worst memory in such things in the world; and wholly trusting to it (or them she dealt with), and never keeping any account of what she did, she was most subject to pay the same things often (as she hath had it confessed to her by some that they have in a small matter made her pay them the same thing five times in five days) neither would she suffer herself to be undeceived by them that stood by and saw her do it frequently, rather suspecting they said it out of dislike of her designs and to divert her from them." In his devotion to learning, in his philanthropy, in his probity, and in his generous superiority to monetary considerations, as, indeed, in much else, Lucius was essentially his mother's son.

In the year 1600, when a girl of fifteen, Elizabeth Tanfield was married by her parents to a man whom she scarcely knew, and whom for some years after her marriage she rarely met.

Henry Cary was a man of considerable distinction, but of unequal fortune. A soldier, a courtier, a pro-consul and a poet, he played in his life many parts, and all of them with tolerable but incomplete success. At the age of sixteen he was sent, according to that incomparable gossip Anthony Wood, to Exeter College, Oxford,[1] where "by the help of a good tutor he became a most accomplished gentleman. 'Tis said (in the *Worthies of England* by Thomas Fuller) that during his stay in the University of Oxford his chamber was the rendezvous of all the eminent

[1] Mr. Beaven has raised a doubt as to the accuracy of Wood's statement. Henry Carey (or Cary), son of Sir Robert, and afterwards second Earl of Monmouth, was undoubtedly at Exeter College, having matriculated 7th June, 1611. The Rector of Exeter, who has kindly made search, informs me that there is no *documentary* evidence of Henry Cary, first Lord Falkland, having been at Exeter, but he points out that owing to the state of the College books this affords no presumption against the truth of Wood's statement, and it is noteworthy that both Henry Carys sent sons to Exeter.

ELIZABETH TANFIELD, WIFE OF HENRY, FIRST VISCOUNT FALKLAND

AFTER A PORTRAIT BY VAN SOMER

wits, divines, philosophers, historians and politicians of that time." As to the truth of Fuller's story, Anthony Wood hints a little gentle scepticism, "seeing Henry was then a young man and not graduated". Most probably, as the annalist suggests, the story is due to a confusion between Henry Cary and his more distinguished son, between the undergraduate's chamber at Exeter and the "College in a purer air" at Great Tew. The confusion would be the likelier to arise if it be the fact, as stated by Wood, that Lucius Cary "retired several times to, and took commons in Exeter College: while his brother, Lorenzo, studied there in 1628 and after". On leaving Oxford, Henry Cary served for a time in France and the Low Countries where he was taken prisoner, having in the meantime married Elizabeth Tanfield. From Ben Jonson's often-quoted lines it would seem that Sir Henry Cary was as conspicuous for rash courage in the field as his ill-fated son:—

> That neither fame nor love might wanting be
> To greatness, Cary, I sing that and thee,
> Whose house, if it no other had,
> In only thee might be both great and glad:
> Who to upbraid the sloth of this our time
> Dost valour make, almost if not a crime.

The son, less fortunate than the father, has not escaped, as we have seen, the actual imputation of suicidal crime. On his return to England Cary's promotion was rapid. Created a Knight of the Bath in 1608,[1] he filled several household

[1] The statement in the text that Falkland was a K.B. follows *D.N.B.*, and, except for the date (which is clearly wrong), most other authorities; but Mr. Beaven has convinced me that it is erroneous. There was no creation of K.B.'s in 1608. The only creations under James I. were (i) at the coronation (July, 1603); (ii) when Prince Charles was created Duke of York (January, 160$\frac{4}{5}$) and (iii) and (iv) when Prince Henry (June, 1610) and Prince Charles (November, 1616) were successively created Prince of Wales. No Cary was included in the list of K.B.'s on either of the first two occasions; Henry Carey (afterwards first Earl of Dover) was in that of

offices, was sworn a member of the Privy Council in 1617, and three years later was created Viscount Falkland in the county of Fife in the Peerage of Scotland. A West countryman by descent, his Scotch peerage was due to a settled policy on the part of the first two Stuarts to bring England and Scotland into closer union by the bestowal of Scotch titles upon Englishmen. In 1622 Lord Falkland, through the favour, it is said, of George Villiers, afterwards Duke of Buckingham, was appointed Lord Deputy of Ireland. In the same year he took up his residence in Dublin, accompanied by his wife and children.

Lucius was at this time a boy of twelve. He had lived till now almost continuously with his grandparents at Burford and Great Tew, and can have known little either of his father or his mother. To both his parents, however, he proved himself a dutiful, and even a devoted son. Soon after his arrival in Dublin, Lucius was sent to Trinity College where he took his degree, as a boy of fifteen, in

1610, and Henry Carey (afterwards second Earl of Monmouth) in that of 1616. Henry Cary, first Lord Falkland, was not a K.B. at all. Doyle in his *Official Baronage* gives the correct identification, and nearly all authorities agree as to the Knight of 1610 being the future Lord Dover. But Dr. Shaw (*Book of Knights*) and G. E. C. (Mr. Cokayne) in his *Complete Peerage*, and Haydn (*Book of Dignities*) assign the 1616 Knighthood to Falkland. But (i) Falkland is described as *Sir* Henry Cary, *Knight*, in the will of his uncle Sir W. Cary (dated 17th December, 1609); and similarly (ii) in the register of baptism (at Great Berkhamsted) of his son Lorenzo (5th October, 1613); (iii) the Henry Cary knighted in 1610 is described in Cal. S. P. Dom. (1610) as *Mr.* Carey; and (iv) the K.B.'s made on these occasions were almost invariably young sons of noble houses, and Falkland's age precludes the probability of his being included either in the 1610 or 1616 batch. Finally Mr. Beaven has on my behalf most kindly discussed the question with Dr. W. A. Shaw, Mr. Cokayne and Mr. Duncombe Pink, and each of these high authorities has not only contributed some part of the above evidence but entirely acquiesces in the conclusion at which we had arrived, though it is contrary to that which the two first-named originally adopted in their respective publications.

1625. It is stated by Lady Theresa Lewis that after having quitted Trinity College, "he became a student at St. John's College, Oxford".[1] For this statement there is no ascertainable warrant; but in a letter addressed in 1642 by Falkland to Dr. Beale,[2] the head of St. John's College, Cambridge, he speaks of himself as "a St. John's man," and desires Dr. Beale to assure the College that he will never forget himself "to be a member of their body". His connection with St. John's College, Cambridge, appears, however, to have been merely nominal; his name having been entered there, together with that of his brother, Lorenzo, before his father's appointment to Ireland in 1622. Enveloped as the whole question is in some obscurity, there can be little reasonable doubt that such formal education as Lucius obtained was derived from Trinity College, Dublin. Nor was it inconsiderable. "He learned," says Clarendon, "all those exercises and languages better than most men do in more celebrated places: insomuch as when he came into England, which was when he was about the age of eighteen years, he was not only master of the Latin tongue and had read all the poets and other of the best authors, with notable judgment for that age, but he understood, and spake, and writ French, as if he had spent many years in France."[3]

At Trinity he probably imbibed a good deal besides a knowledge of Latin and French. Ussher[4] had indeed just vacated the Professorship of Divinity, significantly termed at Dublin the Professorship of Theological Controversy, but the strong Protestant tone which he imparted to the college

[1] *Clarendon Gallery*, i., 4.

[2] To make confusion worse confounded it appears that Dr. Beale was himself an Oxford man.

[3] *Life*, i., 42, 43.

[4] Mr. Gardiner (*ap. D.N.B.*), obviously following Tulloch, is guilty of one of his rare inaccuracies in speaking of Ussher as Provost during a part of

long survived. But if the atmosphere breathed by Lucius at college was unmistakably Puritan, that which surrounded him in the vice-regal lodge was the reverse. In spite of the cares of a rapidly increasing family, Lady Falkland contrived to pursue her studies with unremitting diligence. She had long since become deeply interested in the works of the Early Fathers, with the result (according to her daughter) that her belief in the Protestant faith was shattered. According to the Protestant sources she was "one of the victims of the Jesuit missionaries who then infested England". But whether as a result of external suasion or of independent Patristic studies, or of both, Lady Falkland was converted to Roman Catholicism about 1605, though the fact was not avowed until 1625. A woman of deep religious feeling she was naturally anxious about the education of her children; and her daughter draws a touching picture of the mother's care in imparting to them the truths of religion and morality without "the particular Protestant doctrines of the truth of which she was little satisfied". So successful was she in the latter respect that of her eight children (of whom we have record) two sons became Roman Catholics and four daughters took the veil. The two eldest sons fell in battle. Of all her children Lucius was least influenced by her special ecclesiastical views, but, even on hostile evidence, he was the most tenderly devoted to his mother.

In 1625 Lady Falkland avowed her conversion, quarrelled with her husband and her parents, and finally left Dublin. For some years she lived in poverty in London. Utterly

Cary's residence. Archbishop Ussher was never Provost. He was Professor of Divinity, 1607-21, but resigned on his appointment to the See of Meath, 9th May, 1621. His cousin, Dr. Robert Ussher, became Provost in 1629. Gardiner, in his turn, has probably misled Montagu Burrows (*ap.* Ditchfield, *Memorials of Oxfordshire*), who speaks of Falkland's education "under the Provostship of Ussher afterwards Archbishop". *Cf.* J. W. Stubbs, *Hist. Univ. Dubl.*, 48, 346.

reckless of money she had mortgaged her marriage settlements to relieve her husband's perpetual embarrassments, and on her separation from him found herself practically without means.[1] Lord Falkland was ordered by the Council to pay her an alimony of £500 a year, but refused—probably from sheer inability—to pay such a sum, and her mother firmly declined to receive her at Burford. She was subsequently reconciled to her husband, through the mediation of Queen Henrietta Maria, but never lived with him again. From her son Lucius, after he came into his inheritance, she received many tokens of solicitude and devotion: but not for some time does he appear to have become aware of the extent of her necessities. Lady Georgiana Fullerton—a hostile witness as regards Lucius—is constrained to admit his exemplary conduct in this respect. "Lord Falkland," she writes, "had ever been a more than ordinarily good son and brother, and his wife, far from hindering, encouraged him in the performance of his filial duties. He accordingly hastened to provide means to settle his mother's affairs." [2]

After the death of the elder Lord Falkland, Lucius carried off his three youngest sisters, Anne, Lucy and Mary, to live with him at Great Tew "to be again tormented," adds the Catholic historian, "but by the grace of God not hurt, by Mr. Chillingworth. . . ." Whatever his motive Falkland was the only one of their relatives and friends who would receive them whilst they remained Catholics. Besides his three sisters, Falkland received his two younger brothers, Patrick and Placid, into his home. But the Dowager Lady Falkland, becoming alarmed for their faith, spirited the boys

[1] With scant gratitude Lord Falkland wrote to Lord Conway: "I conceive women to be no fit solicitors of state affairs; for though it sometimes happens that they have good wits, it then commonly falls out that they have overbusy natures withal".

[2] *Life*, 194.

away from Great Tew. Withdrawn from their brother's guardianship and from the "baleful influence" of Chillingworth, they were smuggled out of the country by their mother, and brought up in a Catholic Seminary abroad. This high-handed proceeding brought Lady Falkland into serious conflict with the Privy Council, and led, not unnaturally, to an estrangement between herself and her eldest son. Once more she fell upon evil days, in which she was sustained solely by her indomitable pluck, and her devotion to the faith she had adopted. Her proud spirit could not bear the thought of an appeal to her one unregenerate child. But as soon as Falkland heard of his mother's plight, he hastened to render her all the assistance in his power. "Very near her death," writes his sister, "her eldest son —then newly informed how it was (she having foreborne herself to let him know her extremity for fear to oppress him ; and for that she had by her former doing—which was not like to be very pleasing to him, could he have helped it —seemed more to take herself out of his care)—came to town (with his wife) on purpose to remedy it, which he did for what appeared at the present, but she (out of the much sense she had of his decreasing estate and great charge), did not make known to him what was farther necessary, so as he left her much as he found her, till being farther advertized by others, he took order with his mother-in-law, intreating her to see all provided for her that she should need, which she did, being most kindly careful of her."[1] But the end was near, and in 1639 Elizabeth, Lady Falkland, reached the close of her tempestuous but strangely interesting life. She had failed to effect the darling wish of her heart, the conversion to her own faith of her eldest son, but her influence upon him was unquestionably lasting and deep. Like most men who attain to eminence he was emphati-

[1] *Life*, III.

HENRY CARY, FIRST VISCOUNT FALKLAND

FROM AN ENGRAVING AT THE BODLEIAN AFTER VAN SOMER

cally his mother's son. From her he derived his original bias towards theological speculation, and from her his reverent attitude towards the questions it involved. With what ardour he pursued the quest the subsequent pages will disclose.

To his father, Lucius was much less obviously indebted, though a close observer may discern (to adapt Nathaniel Hawthorne's striking phrase) strong traits of the father's nature intertwined with the character of the son. From him Lucius undoubtedly inherited a certain impetuosity of temper, undaunted physical courage, and perhaps some inclination towards the life of letters. Happily, however, the more serious qualities of his mother profoundly modified the coarser impulses derived from his father. Thus what in the father was an almost criminal carelessness in regard to money was transmuted into the open-handed but discerning generosity which was one of the many lovable characteristics of the son. Moreover, the first Viscount's title to literary fame rests on a narrow and uncertain basis. The following elegiac lines on the Countess of Huntingdon are attributed by at least one critic of repute to the father, but there is hardly a shadow of doubt that they were written by the son.[1]

AN EPITAPH UPON THE EXCELLENT COUNTESS OF HUNTINGDON

The cheife perfections of both sexes joyn'd,
With neither's vice nor vanity combind.
Of this our age the wonder, loue and care,
The example of the following, and dispaire.
Such beauty, that from all hearts loue must flow
Such maiesty, that none durst tell her so.

[1] I am not aware that the question of the authorship of these lines has ever been critically discussed, though they have been uncritically assigned by critics of repute to two different men. Dr. Grosart includes them in his *Collection* of Lucius Cary's poems, and Mr. Courthope quotes them (*Hist. of Eng. Poetry*, iii., 293) as a "not unfavourable specimen of his style".

A wisdome of so large and potent sway,
Rome's Senate might have wisht, her conclaue may.
Which did to earthly thoughts so seldome bow,
Aliue she scarce was lesse in heaven, then now.
So voyd of the least pride, to her alone
These radiant excellencies seem'd unknowne.
Such once there was: but let thy greife appeare,
Reader, there is not: Huntingdon lies here.
By him who saies what he saw.

FALKLAND

In the "Harleian Miscellany" is printed an essay said to have been "found among the papers of and (supposed to be) writ by the Right Honourable Henry Viscount Falkland, sometime Lord Deputy of Ireland". The essay which is of considerable length and pretensions is entitled, "The History of the most unfortunate Prince King Edward the Second; with choice political observations on him and his unhappy favourites, Gaveston and Spencer; containing several rare passages of those times, not found in other historians". Lucius Cary, therefore, may be said to have been born free of the craft of literature, by hereditary descent. It was, according to the editor of the "Miscellany," the elder Falkland's

The article in *D.N.B.* on the elder Falkland attributes the lines to him on the authority of Wilford's *Memorials*. But even if Wilford could be regarded as in any sense an "authority," I am unable to perceive that he lends any support to this theory of the authorship of the lines. He simply prints them (Appendix XV.) with the signature "Falkland". Apart from the fact that the elder Falkland is not known to have written poetry at all, the external evidence is conclusively in favour (as both Mr. Courthope and Mr. C. H. Firth, with whom I have discussed the question, point out) of the generally received view. The lines were originally prefixed to a sermon preached at Ashby-de-la-Zouch on 9th February, 1633 (*i.e.*, 1634 in modern style), and published in 1635. The elder Falkland died in September, 1633, *i.e.*, about five months before the lady died, and some two years before the lines were published. The poem expresses the feelings of "him who saies what he saw". If the elder Falkland saw what he says it must have been in prophetic vision. Horace Walpole (*Royal and Noble Authors*) also attributes to the first Viscount "an epitaph (not bad) on Elizabeth, Countess of Huntingdon," but again on the authority of Wilford.

"extraordinary parts," and not, as suggested above, the favour of Buckingham, which "got him such an esteem with King James the First that he thought him a person fitly qualified to be Lord Deputy of Ireland, the Government of which place required at that time a man of more than ordinary abilities".

As Lord Deputy, Falkland comes almost midway between the two ablest rulers Ireland ever had—Sir Arthur Chichester and Thomas Wentworth, Lord Strafford. His fame and record may perhaps have suffered from inevitable if unconscious comparison. But he certainly acquired little glory from the performance of a thankless office. His tenure extended from 1622 to 1629, during which he was concerned almost exclusively with three questions. The ecclesiastical problem, the agrarian problem and the army problem may be said, indeed, to constitute, together with plantations, confiscations and rebellions, the history of Ireland in the seventeenth century. Lord Falkland, unlike his wife, was a strong Protestant, and urged on by a sermon of Ussher, preached on the text, "He beareth not the sword in vain," he began his rule with a proclamation for the banishment of priests. The Deputy's zeal outran the discretion of the Home Government; delicate negotiations were pending in regard to the Spanish marriage, and Falkland was bidden to tread more warily in ecclesiastical affairs in Ireland. A not less difficult problem was that of the army. A considerable standing army was regarded—probably with justice—as essential to English rule in Ireland. But no funds could be obtained from England, and none could be squeezed out of Ireland for the payment of the troops. There is no more serious menace either to social order or to discipline (as Strafford was soon to discover) than an unpaid army living at free quarters. Mr. Gardiner complains that the tone of Falkland's despatches to the Home Government was "querulous". Well it might

be, since he was bidden to make bricks without straw, and to maintain order among a hostile people with a mutinous army.

It was in order to get money for the payment of the army that recourse was had to the expedient with which Falkland's name is specially associated in Irish history. The Government resolved to make concessions on the two burning questions of the hour, that of the land and of religion. These concessions were embodied in instruments known as the Graces. By one, a new oath of allegiance, acceptable to the Catholics, was substituted for the obnoxious oath of supremacy. By another, a sixty years' possessory title was to be recognised as a bar to all claims to land on the part of the Crown. The plantations in Ulster and Wexford had filled every landowner and indeed every peasant in Ireland with alarm for the safety of his land; the recognition, therefore, of a comparatively short title was to all classes, but especially to the higher, a boon unspeakable. But for the Graces Falkland got little credit either in Ireland or in England. In Ireland they were regarded, not unjustly, as concessions wrung from the necessities of Government; in England they were not regarded at all. The Deputy became involved in an unfortunate quarrel with his Chancellor, Lord Loftus of Ely, and with other members of the Irish Council; a blow aimed at the Byrnes of Wicklow, and intended to prepare the way for a plantation in that fair county, hopelessly miscarried; the authority of the Deputy was virtually set aside, and in 1629 he was recalled.[1] The government of Ireland passed, to the infinite material advantage of the dependency, into the strong hands of Went-

[1] A sequel to the disputes between Falkland and the Irish gentry is to be found in a case which came before the Star Chamber in 1631. Falkland there accused Lord Mountnorris, Sir Arthur Savage and others of having "joined and combined together" to lay a "grievous scandall upon the Lord Viscount Falkland and his Government and to impoyson his credit and

LADY TANFIELD

AFTER AN ORIGINAL PICTURE AT BURFORD PRIORY (ATHOW)

worth. That Falkland's rule in Ireland was conspicuously successful not even an apologist will maintain. He was lacking both in firmness and tact, and his policy was opportunist to a degree unusual even in Ireland. But he had small chance of earning distinction. Apart from the pressure of those chronic difficulties with which he made no serious and sustained effort to cope, he was ill supported from home, and was virtually deprived of the only material resource upon which English Deputies could rely.

The circumstances of his recall were rendered still further bitter to the disappointed Deputy by an incident affecting his son. It is apparently on the strength of this incident that Anthony Wood, in his irresponsible chatter, speaks of Lucius as being a "wild youth" when "carried off by his father into Ireland". The "wild youth" was then a boy of twelve, and the incident which furnishes the supposed ground for a charge of wildness occurred seven years afterwards! It is, however, characteristic of Lucius's impulsive temperament, and on that account deserves to be recalled. By the foolish partiality of his father, Lucius, though only nineteen, had been entrusted with the command of a company. On Falkland's departure Lucius was dismissed by the Lords Justices, and the command was transferred to Sir Francis Willoughby. Thereupon, Lucius, deeming it a slight to his father as well as to himself, challenged Willoughby to a duel. "I doe confesse youe a brave gentleman," he writes, "(and for myne owne sake I would not but have my adversary soe), but I knowe noe reason why, therfore, youe showld have my company, any more then why therfore you showld have my breeches, which yf every brave man

reputation with the Duke [of Buckingham], and with the King and the rest of the Nobles here and tending also to the King's dishonour". *Cf.* "Cases in the Courts of Star Chamber and High Commission," ed. Gardiner (Camden Society, 1886).

showld have, I should be fayne shortly toe begg in trowses. I dowght not but youe will give me satisfaction with your sworde, of which yf you will send me the lengthe, with tyme and place, youe shalbe sure (accordingly toe the appointment) toe meete Lucius Cary."

To this impetuous epistle Willoughby replied in a strain which he truly describes as "boath modest and just". "It was no sute of myne," he declares, "to deprive youe of anything you possest, but toe the contrary. I desired that neyther your honourable fathers nor your's, nor Sir Charles Cootses companyes might be transferred to me." But the soft answer did not avail to turn away wrath, and Sir Lucius (as in 1626 he had become) found himself committed, by order of the Privy Council, to the custody of the warden of the Fleet. There he cooled his heels and his temper for ten days, at the end of which he was released on his father's abject petition to the King.[1] Wood asserts, apparently with the object of accounting for his rapid "reformation," that after leaving Trinity his father sent him "to travel under the tutelage and discretion of a discreet person who making a very great reformation in him as to life, manners and learning Lucius had ever after a great respect and veneration".[2] A foreign tour after the early completion of the university course would be quite in accord with the custom of the age, but I find no corroboration of Wood's statement, and if the tour did take place it must have been before the incident recorded above.

Meanwhile, in 1629, on the death of Lady Tanfield, Lucius had come into the fair inheritance settled upon him by his grandfather. "About the time that he was nineteen years of age," says Clarendon, "all the land, with two very good houses excellently furnished (worth above £2,000 per

[1] *Cf.* letter in *Cabala*, reprinted by Lewis, Appendix A.
[2] ii., 566.

annum) in a most pleasant country, and the two most pleasant places in that country, with a very plentiful personal estate, fell into his hands and possession and to his entire disposal."

Shortly after his succession (conjecturally in 1631) "he committed a fault against his father in marrying a young lady whom he passionately loved, without any considerable portion, which exceedingly offended him : and disappointed all his reasonable hopes and expectations of redeeming and repairing his own broken fortune and desperate hopes in court by some advantageous marriage of his son, about which he had then some probable treaty." [1] Sir Lucius Cary's bride was Letice Morison, daughter of Sir Richard Morison of Tooley Park, Leicestershire. She was the sister of his dearest friend, Sir Henry Morison, and despite her displeasing lack of fortune proved worthy of the passionate attachment of her chivalrous lover.

Henry Morison died shortly before his sister's marriage, and it was to commemorate "the immortal memory and friendship of that noble pair, Sir Lucius Cary and Sir Henry Morison" that Ben Jonson wrote the exquisite verses of his *Pindaric Ode*. Some of the more biographical demand quotation :—

THE ANTISTROPHE, OR COUNTER-TURN

Alas! but Morison fell young:
He never fell,—thou fall'st, my tongue.
He stood a soldier to the last right end,
A perfect patriot, and a noble friend;
But most, a virtuous son.
All offices were done
By him, so ample, full, and round,
In weight, in measure, number, sound,
As, though his age imperfect might appear,
His life was of humanity the sphere.

[1] *Life*, i., 43, 44.

THE EPODE, OR STAND

Go now, and tell out days summed up with fears,
And make them years;
Produce thy mass of miseries on the stage,
To swell thine age;
Repeat of things a throng,
To show thou hast been long,
Not liv'd; for life doth her great actions spell,
By what was done and wrought
In season, and so brought
To light: her measures are, how well
Each syllabe answer'd, and was form'd, how fair;
These make the lines of life, and that's her air!

III.

THE STROPHE, OR TURN

It is not growing like a tree
In bulk, doth make men better be;
Or standing long an oak, three hundred year,
To fall a log at last, dry, bald, and sear:
A lily of a day
Is fairer far in May,
Although it fall and die that night;
It was the plant and flower of light.
In small proportions we just beauties see;
And in short measures, life may perfect be.

THE ANTISTROPHE, OR COUNTER-TURN

Call, noble Lucius, then for wine,
And let thy looks with gladness shine:
Accept this garland, plant it on thy head,
And think, nay know, thy Morison's not dead.
He leap'd the present age,
Possest with holy rage
To see that bright eternal day;
Of which we priests and poets say
Such truths, as we expect for happy men;
And there he lives with memory and Ben.

THE EPODE, OR STAND

Jonson, who sung this of him, ere he went,
Himself, to rest,
Or taste a part of that full joy he meant
To have exprest,
In this bright Asterism!—

Where it were friendship's schism,
Were not his Lucius long with us to tarry,
To separate these twi-
Lights, the Dioscuri;
And keep the one half from his Harry.
But fate doth so alternate the design,
Whilst that in heaven, this light on earth must shine.

IV.

THE STROPHE, OR TURN

And shine as you exalted are;
Two names of friendship, but one star:
Of hearts the union, and those not by chance
Made, or indenture, or leased out t'advance
The profits for a time.
No pleasures vain did chime,
Of rymes, or riots, at your feasts,
Orgies of drink, of greatness and of good,
That knits brave minds and manners, more than blood.

THE ANTISTROPHE, OR COUNTER-TURN

This made you first know the why
You liked, then after, to apply
That liking; and approach so one the t'other
Till either grew a portion of the other:
Each styled by his end,
The copy of his friend.
You liv'd to be the great sir-names,
And titles, by which all made claims
Unto the virtue: nothing perfect done,
But as a Cary, or a Morison.

THE EPODE, OR STAND

And such a force the fair example had,
As they that saw
The good, and durst not practise it, were glad
That such a law
Was left yet to mankind;
Where they might read and find
Friendship, indeed, was written not in words;
And with the heart, nor pen,
Of two so early men,
Whose lines her rolls were, and records:
Who, ere the first down bloomed on the chin,
Had sow'd these fruits, and got the harvest in.

Clarendon's words[1] appear to refer to some specific "advantageous marriage" for which Lord Falkland was in treaty, and Lady Theresa Lewis may be right in supposing that the proposed marriage in question was one which would have been unmistakably advantageous to the elder Falkland by uniting his house and fortunes with those of Richard Weston, Earl of Portland, at that time Lord Treasurer. "The truth is," wrote Sir George Gresley to a friend, "the Lord of Falkland and the Lord Treasurer are to match two of their children together and thereupon the Lord Falkland to continue Lord Deputy."[2] But the negotiation with Weston was not the first nor the last of the elder Falkland's attempts to get money or advantage for himself out of his son's marriage. The following extract from the private papers of the Earl of Cork at Lismore suggests that the Lord Deputy had long been pursuing the quest for a highly-dowered bride with some zeal:—

"January, 1623. This daie the lo viscount ffalkland lo deputie of Irelande sent me by Sir Lawrence parsons his Ma^ts^ gracious letters desiring me that the marriadg in treaty between the L deputie and me, for his son and heir for one of my daughters might be concluded. And my Lo Carew also wrott unto me effectually persuading me therunto; whervppon I offered his Lop, with my thirde daughter the La Lettice Boyle, eight thowsand pounds ster:, to be paid in London within two yeares, so as his Lop would procure the L cheefe Barron Tanffield his Ladies ffather to pass over his estate vppon Lucius Carye, and theires males of his boddie, to be begotten on my said daughter, and to have my L Deputy conveigh to his Son and theires male of them 5,000^li^ Lands per anno in Englande, and to mak my daughter for her Joincture a good house fully furneshed with a thowsand pounds Lands per anno in Englande."[3]

[1] *Supra*, p. 67. [2] Lewis, i., 8.

[3] *Lismore Papers*, ed. Grosart, vol. ii., 118. The same papers bear witness

HENRY CARY, FIRST VISCOUNT FALKLAND

FROM AN ENGRAVING AT THE BODLEIAN AFTER VAN SOMER

Sir Lucius was terribly distressed by his father's anger and disappointment. "Very conscious to himself of his offence and transgression, and the consequence of it, though he could not repent, having married a lady of a most extraordinary wit and judgment, and of the most signal virtue and exemplary life that the age produced, and who brought him many hopeful children in which he took great delight; yet he confessed it with the most sincere and dutiful applications to his father for his pardon that could be made."[1] With characteristically impulsive generosity, Lucius then offered to make over the whole of his property to his father, and actually went so far as to have the legal conveyance prepared. "But his father's passion and indignation" (to resume Clarendon's vivid narrative which it were a sin to paraphrase) "so far transported him (though he was a gentleman of excellent parts) that he refused any reconciliation and rejected all the offers that were made him of the estate: so that his son remained still in the possession of his estate against his will, for which he found great reason afterwards to rejoice." As did many others, including Mr. Hyde. So deeply, however, did Lucius feel the breach with his father, that he determined to take his wife abroad, with the intention of purchasing a military command in Holland, and spending his life as a soldier of fortune. But being disappointed in his hopes, he returned to England resolving, says Clarendon, to "retire to a country life and to his books; that since he was not like to improve himself in arms, he might advance in letters. In this resolution he was so severe (as he was always naturally very intent upon what he was inclined to), that he declared he would not see London in many years, which was the place he loved best in

to the fact that on 29th August, 1624, "Mr. Lucius Cary, sown and heir to the L. Deputie" was made a Freeman of the Corporation of Youghal.

[1] Clarendon, *Life*, i., 45.

all the world." With such success did he devote himself to the study of Greek, which apparently was quite new to him, that within two years he had read "not only the Greek historians, but Homer likewise, and such of the poets as were worthy to be perused".

Some two years after his son's marriage, the elder Falkland, while shooting with the King in Theobald's Park, fell from a stand and broke his leg. An amputation was performed, but blood-poisoning set in, and in spite of the devoted nursing of his wife, after a week's illness, he died. Though reconciled to his wife he never forgave his son.

Sir Lucius Cary now succeeded to the Falkland peerage, but to little else save a heavily burdened property. In order to settle his father's affairs, the new Lord Falkland was compelled to interrupt his voluntary exile at Great Tew, and spend some time in London. The first lord had never been free from monetary difficulties: his wife, as we have seen, had been induced to mortgage the estates settled upon her, a proceeding which was the immediate cause of her quarrel with her father, and the loss of her paternal inheritance. It is small wonder, therefore, that at his death his affairs were found to be terribly involved, and that in order to pay off the mortgages the younger Falkland was compelled to sell what Clarendon describes as "a finer seat of his own". This can only refer to Burford Priory, which was sold to William Lenthall, afterwards Speaker of the House of Commons, for £7,000.

Having completed the business rendered necessary by his father's death, Falkland returned to Great Tew, there to resume, for a time all too short, a life of learned leisure and strenuous ease. That life, as depicted by the magic pen of Clarendon, forms one of the idylls of English prose.

CHAPTER II

GREAT TEW—*SIBI ET AMICIS*

THERE still remain some spots in England which, despite their charm, are little known and comparatively remote. Among these not the least beautiful and not the least remote is the district of the Oxfordshire uplands. Rising from the valley of the Cherwell on the east, and from that of the "stripling Thames" on the west, this well-wooded land was almost covered in times past by the royal forests of Wychwood and Woodstock. It is now enclosed and dotted with small country towns and picturesque stone-built villages. In the very heart of this pleasant land, and far from the ordinary haunts of man, nestles the lovely village of Great Tew—memorable to all time as the home where Falkland spent the happiest and most tranquil years of his brief and storm-tossed life.

Clarendon describes Great Tew as being "within ten or twelve miles of the University". In our modern mileage it is about seventeen as the crow flies, and nearer twenty by road. It lies a few miles off the main road from Banbury to Chipping Norton, but considerably nearer to the latter town. "The stranger who approaches it from any side except the north is quite unprepared," says a recent writer, "to come upon so picturesque a spot. After travelling for miles over high open stretches of cultivated down, he suddenly enters a forest-like country, and in a few moments finds

himself in the midst of a veritable sylvan Arcadia. We have now entered the confines of the yellow-stone region," and "the warm rich tints of the stone have never been seen to better effect than in the cottages of Great Tew. Here it sets off to perfection the tall many-gabled roofs of thatch, the mullioned windows, the rustic porches festooned with honeysuckle, and the trim, well-tended flower-beds. At the back of these cottages the greenest of meadows and orchards slope down to the tiny brook, while a well-timbered path guards the village at either extremity."[1] Except the quite modern (1885) memorial in the Church, and an inn, "The Falkland Arms," there is nothing to commemorate the brief reign of the greatest of the lords of Great Tew. The "walled gardens opening into each other in an orderly series" still remain, and here too are the noble lime-trees under which Falkland and his scholar-companions may often have held the *convivium philosophicum* and *convivium theologicum*, but the property passed out of the Cary family at the end of the seventeenth century, and the house itself is comparatively modern.

What manner of man was the lord of this fair domain? In outward aspect he was entirely lacking in distinction. The portraits which we possess certainly bear out the descriptions of contemporaries. "He was," says Triplet, "of David's stature, of his courage too." Aubrey says: "His person was little and of no great strength, his hair blackish and somewhat flaggy, and his eye black and quick". Aubrey is hardly trustworthy, but even Clarendon admits that with all Falkland's advantages, "he had one great disadvantage

[1] I have quoted from Mr. H. A. Evans' delightful description of a country which I know intimately and love well, chiefly in order to give myself an opportunity of acknowledging the pleasure and profit I have derived from his recent work, *Highways and Byways in Oxford and the Cotswolds*, London (1905). It is the work of a true lover of the country and a scientific archæologist.

LUCIUS CARY, SECOND VISCOUNT FALKLAND

FROM A PICTURE AT THE BODLEIAN

(which in the first entrance into the world is attended with too much prejudice) in his person and presence, which was in no degree attractive or promising. His stature was low, and smaller than most men; his motion not graceful; and his aspect so far from inviting, that it had somewhat in it of simplicity; and his voice the worst of the three, and so untuned, that instead of reconciling it offended the ear, so that nobody would have expected music from that tongue; and sure no man was less beholden to nature for its recommendation into the world: but then no man sooner or more disappointed this general and customary prejudice; that little person and small stature was quickly found to contain a great heart, a courage so keen, and a nature so fearless, that no composition of the strongest limbs, and most harmonious and proportioned presence and strength, ever more disposed any man to the greatest enterprise: it being his greatest weakness to be too solicitous for such adventures: and that untuned tongue and voice easily discovered itself to be supplied, and governed by a mind and understanding so excellent, that the wit and weight of all he said carried another kind of lustre and admiration in it, and as another kind of acceptation from the persons present, than any ornament of delivery could reasonably promise itself, or is usually attended with; and his disposition and nature were so gentle and obliging, so much delighted in courtesy, kindness and generosity, that all mankind could not but admire and love him."

Nor was Falkland one of those who are all smiles for the outside world, and reserve their ill humours for the home. His domestic life seems to have been one of undimmed happiness. His marriage with the sister of the dearest friend of his boyhood was, as we have seen, one of pure affection. Letice Morison had neither large portion nor great influence; but she had rare loveliness both of

person and mind. "There is," says Gardiner, "a mingled sweetness and strength in the character of the English women who confront us in the biographical sketches of the day the moment we leave the precincts of the Court." All that we know of Lady Falkland leads us to believe that "in mingled sweetness and strength" she would have taken high place among those of whom Mr. Gardiner was primarily thinking. Falkland's confidence in his wife was so great that "though he loved his children with more affection than most fathers used to do, he left by his will all he had to his wife, and committed his three sons, who were all the children he had, to her sole care and bounty." This perhaps is the least inconvenient place in which to allude to a scandalous story, which rests primarily on the gossip of Aubrey, but which, being referred to also by Clarendon cannot be passed over in the silence which it deserves. Clarendon, in his account of Falkland's death, mentions the rumour that "those who did not know him very well imputed, very unjustly much (of his sadness and melancholy) to a violent passion he had for a noble lady; and it was the more spoken of because she died the same day, and, as some computed it, in the same hour that he was killed". Aubrey, with equal malice and inaccuracy, declares specifically "that it was the grief of the death of Mrs. Moray, a handsome lady at Court, who was his mistress and whom he loved above all creatures, was the true course of his being so madly guilty of his own death". Aubrey's statement bears on the face of it its own refutation, but Clarendon's exposure of a heartless calumny is none the less grateful to Falkland's friends and admirers: "They who knew either the lord or the lady, knew well that neither of them was capable of an ill imagination. She was of the most unspotted, unblemished virtue; never married; of an extraordinary talent of mind, but of no alluring beauty; nor of a constitution of

tolerable health, being in a deep consumption, and not like to have lived so long by many months. It is very true, the Lord Falkland had an extraordinary esteem of her, and exceedingly loved her conversation, as most of the persons of eminent parts of that time did; for she was in her understanding, and discretion, and wit, and modesty, above most women; the best of which had always a friendship with her."[1]

Of Letice, Lady Falkland, our knowledge, apart from Clarendon's scattered hints, is derived mainly from a small devotional work by the Rev. John Duncon,[2] a "sequestered" parson who appears to have acted as the lady's chaplain or confessor at Great Tew after her husband's death. He draws a picture of Lady Falkland which, even making allowance for obvious partiality and probable exaggeration, is singularly beautiful and pathetic. Originally printed in 1649 as a letter to Lady Morison (her mother) "containing many remarkable passages in the most holy life and death of the late Lady Letice, Vi-Countess Falkland," it ran through several editions. "This elect lady set out very early," says Duncon, "in the ways of God in the dawn or morning of her age." A simple and touching picture is drawn of her upbringing "in the nurture and admonition of the Lord," and her exemplary conduct as daughter and wife. Aubrey's calumnies shrink into their due proportion when placed side by side with such a passage as the following:—

"Now these riches, of her piety, wisdom, quickness of wit, discretion, judgment, sobriety, and gravity of behavior, being once perceived by Sir Lucius Cary, seemed Portion enough to him: these were they he prised above worldly Inheritances, and those other fading accessions, which most men court. And she, being married to him, riches and honour, and

[1] *Life*, i., 202.

[2] Alluded to by Tulloch with curious inaccuracy as John Duncan *Parson*.

all other worldly prosperity, flow in upon her and consequently to proceed in holinesse and godliness grows an harder task, then before it seemed to be; it being much more difficult when riches and honor thus increase, then, not to set her heart upon them. Yet God enabled her by his grace for this also; for when possession was given her of stately Palaces, pleasantly seated, and most curiously and fittly furnished, and of revenues and royalties answerable, yet was not her heart any whit exalted with joy for them."

In the company of this wife whom "he passionately loved," and of his three young boys, Falkland spent the years —all too brief—before the bursting of the political storm. In retrospect we can see that the Parliament which met in 1640 merely gave expression to feelings long pent up; that the storm had been gathering long before it burst. But to the eye of the contemporary the prospect was fair. Clarendon, who had no reason to minimise any discontent which might at that time have existed, declares that the country "enjoyed the greatest calm and fullest measure of felicity that any people in any age have been blessed with".[1] Even May admits that "the times were jolly for the present"; that any one would verily believe that "a nation that looked so cheerfully in the face could not be sick in any part". "Serious and just men could not but entertain sad thoughts and presages," but "another sort of men and especially lords and gentlemen . . . did nothing but applaud the happiness of England." Among the "lords and gentlemen," Falkland may surely be counted. Laud, it is true, was becoming increasingly influential with the King; and against the Archbishop Falkland had, as Clarendon tells us, "unhappily contracted some prejudice". But there is no

[1] i., 122.

evidence that the innovating hand of Laud pressed heavily on Great Tew, and such anxieties as Falkland felt at this time were intellectual rather than political.

For the most part the days at Great Tew were spent in the pleasant converse described with incomparable felicity by Clarendon. Thanks to his consummate art the picture has obtained a unique hold upon the imagination of cultured men: a hospitality offered freely but without ostentation, accepted simply and without embarrassment; no social constraint upon host or guest; unrestrained freedom of intellectual intercourse; no end to be served, save the sharpening of wits, and the attainment of truth; admission to that choice society gained "by other rules than were prescribed to the young nobility of that time"; no regard paid to mere conventionality, and less to stupid unconventionality; above all, no disregard of the laws of good taste and sound morality. The passages which contain the picture have been quoted almost *ad nauseam*, but it would be unpardonable in a biography of Falkland to omit them:—

"It cannot be denied though he admitted some few to his friendship for the agreeableness of their natures, and their undoubted affection to him, that his familiarity and friendship, for the most part, was with men of the most eminent and sublime parts, and of untouched reputation in point of integrity; and such men had a title to his bosom. He was a great cherisher of wit, and fancy, and good parts in any man; and, if he found them clouded with poverty or want, a most liberal and bountiful patron towards them, even above his fortune; of which, in those administrations, he was such a dispenser, as, if he had been trusted with it to such uses, and if there had been the least of vice in his expense, he might have been thought too prodigal. . . . In this time, his house being within ten miles of Oxford, he contracted familiarity and friendship with the most

polite and accurate men of that university; who found such an immenseness of wit, and such a solidity of judgment in him, so infinite a fancy, bound in by a most logical ratiocination, such a vast knowledge, that he was not ignorant in any thing, yet such an excessive humility, as if he had known nothing, that they frequently resorted, and dwelt with him, as in a college situated in a purer air; so that his house was a university in a less volume; whither they came not so much for repose as study; and to examine and refine those grosser propositions, which laziness and consent made current in vulgar conversation."[1]

And again:—

"Truly his whole conversation was one continued *convivium philosophicum* or *convivium theologicum* enlivened and refreshed with all the facetiousness of wit, and good humour, and pleasantness of discourse, which made the gravity of the argument itself, (whatever it was) very delectable. His house where he usually resided (Tew, or Burford in Oxfordshire) being within ten or twelve miles of the university looked like the university itself, by the company that was always found there. There were Dr. Sheldon, Dr. Morley, Dr. Hammond, Dr. Earles, Mr. Chillingworth, and indeed all men of eminent parts and faculties in Oxford, besides those who resorted thither from London; who all found their lodgings there, as ready as in the colleges; nor did the lord of the house know of their coming and going, nor who were in his house, till he came to dinner, or supper, where all still met; otherwise, there was no troublesome ceremony or constraint, to forbid men to come to the house, or to make them weary of staying there; so that many came thither to study in a better air, finding all the books they could desire in his library, and all

[1] *History.*

THE VILLAGE OF GREAT TEW

the persons together, whose company they could wish, and not find in any other society."[1]

With this university in a less volume, with the honorary fellows of this "college situated in a purer air," we must make more intimate acquaintance.

[1] *Life.*

CHAPTER III

THE "SESSIONS OF THE POETS"

IT will be noted that in the famous passages quoted above, Clarendon speaks only of the *convivium philosophicum et theologicum*, while the names of Falkland's guests specially commemorated in this connection are all those of grave divines. But there was an earlier period in his literary life during which Falkland's primary interest was not theological but poetical, when he sought his associates not among university dons, but among gay poets "who resorted thither from London". Suckling refers, not perhaps without a sigh of regret, to this transference of affection:—

> He was of late so gone with divinity,
> That he had almost forgotten his poetry,
> Though to say the truth, and Apollo did know it,
> He might have been both his priest and his poet.

In the earlier stanzas of "A Sessions of the Poets," Suckling gives a catalogic list of these associates of Falkland's earlier years:—

> A session was held the other day,
> And Apollo himself was at it (they say):
> The laurel that had been so long reserv'd,
> Was now to be given to him best deserv'd.
>
> And
> Therefore the wits of the town came thither,
> 'Twas strange to see how they flocked together.
> Each strongly confident of his own way,
> Thought to gain the laurel away that day.

There Selden, and he sat hard by the chair;
Weniman not far off, which was very fair;
Sands with Townsend, for they keep no order,
Digby and Shillingworth a little further;

And

There was Lucan's translator too, and he
That makes God speak so big in's poetry;
Selwin and Walter, and Bartlets both the brothers,
Jack Vaughan and Porter, and divers others.

The first that broke silence was good old Ben,
Prepar'd before with Canary wine,
And he told them plainly he deserv'd the bays,
For his were call'd works, where others were but plays.
. . . . . .
Tom Carew was next, but he had a fault
That would not well stand with a laureate:
His muse was hard bound, and th' issue of's brain
Was seldom brought forth but with trouble and pain.
. . . . . .
Will Davenant, asham'd of a foolish mischief
That he had got lately travelling in France,
Modestly hoped the handsomeness of his muse
Might any deformity about him excuse.

Suckling next was call'd, but did not appear:
But straight one whisper'd Apollo i' th' ear,
That of all men living he cared not for't,
He loved not the muses so well as his sport.
. . . . . .
Wat Montague now stood forth to his trial,
And did not so much as expect a denial;
But witty Apollo asked him first of all
If he understood his own pastoral.
. . . . . .
Hales, set by himself, most gravely did smile
To see them about nothing keep such a coil;
Apollo had spied him, but knowing his mind,
Past by, and called Falkland that sat just behind.
. . . . . .

Falkland's own couplet from the "Eclogue" on the death of Ben Jonson gives us the names of,

Digby, Carew, Killigrew and Maine,
Godolphin, Walter, that inspired traine,

and it is further noticeable that in George Daniel's MS. poems several of these names are associated with that of Falkland:—

> The noble Falkland, Digbie, Carew, Maine,
> Beaumond, Sands.[1]

Falkland with the partiality of a friend speaks of "that inspired traine," but inspiration is precisely the quality which the Caroline poets seem to lack. Milton is, of course excluded from this category. He was living at Horton and was writing "L'Allegro," "Il Penseroso," "Comus" and "Lycidas" during the period of the Great Tew *Convivia*, but Milton was in every sense by himself apart. Between him and the various schools of poetical "wit," typical of Caroline poetry, there was nothing in common. The leading characteristics of those schools are, as Mr. Courthope[2] has pointed out, Paradox, Hyperbole, and Excess of Metaphor; and these are the qualities which essentially distinguish most of Falkland's poetical associates.

Among these, George Sandys (or Sands) occupies a special place. Curiously enough he is not even mentioned by Clarendon; but to judge from Falkland's own poems there was no one for whom he had greater reverence and affection. Of the eight pieces included in Dr. Grosart's collection of Falkland's poems, no less than three are inscribed "To my noble friend, Mr. George Sandys". A fourth, "To Hugo Grotius," is prefixed to Sandys' translation of *Christ's Passion: a Tragedy by Grotius.* The inscription becomes somewhat involved in places as between author and translator, but the following lines refer indisputably to the latter. They leave something to be regretted as poetry, but they are at least prosaically indicative of Falk-

[1] Falkland's *Poems*, ed. Grosart, note p. 48.
[2] *Hist. of Eng. Poetry*, iii., 106.

land's admiration for Sandys' achievements, both in action and in literature:—

None hath a larger heart, a fuller head,
For he hath seen as much as you have read:
The nearer countries past, his steps have prest
The new found world, and trod the sacred East;
Where, his browes due, the lofty palmes doe rise,
Where the proud Pyramids invade the skies;
And, as all think who his rare friendship own,
Deserves no lesse a journey to be known.
Ullysses, if we trust the Grecian song,
Travell'd not farre, but was a prisoner long;
To that by tempest forc'd: nor did his voice
Relate his fate: his travels were his choice,
And all those numerous realmes, returned agen,
Anew he travel'd over with his pen.
And, Homer to himselfe, doth entertaine,
With truths more usefull then his Muse could faine,
Next Ovid's transformations he translates
With so rare art, that those which he relates
Yeeld to this transmutation, and the change,
Of men to birds and trees, appeares not strange:
Next the poetick parts of Scripture, on
His loom he weaves, and Job and Solomon
His pen restores with all that heavenly quire,
And shakes the dust from David's solemn lyre.
From which, from all with just consent he wan
The title of the English Buchanan.

Sandys, whom Falkland thus recommends to Grotius, was a son of Edwin Sandys, Archbishop of York under Queen Elizabeth. He is now chiefly remembered as the translator of Ovid's "Transformations," but, as Falkland indicates, he was eminent in his generation not merely as a scholar but as a traveller. He published in 1615 an account of his travels in Italy, Turkey, Egypt and Palestine which ran through many editions. The following lines suggest that Falkland regarded Sandys as a truly philosophical observer of men and things, as indeed he was:—

For wheresoere I raise
My thoughts, thy severall paines extort my praise.
First, that which doth the pyramids display:
And in a work much lastinger than they,
And more a wonder, scornes at large to shew
What were indifferent if true or no:
Or from its lofty flight stoope to declare
What all men might have known, had all bin there.
But by thy learnèd industry and art,
To those who never from their studies part
Does each Land's laws, beliefe, beginning shew
Which of the natives, but the curious know—
Teaching the frailty of humane things
How soon great kingdoms fall,—much sooner kings
Prepares our soules, that chance cannot direct
A machin at us more than we expect.
We know that toune is but with fishers fraught,
Where Theseus govern'd and where Plato taught;
That spring of knowledge, to which Italy
Owes all her arts and her civility,
In vice and barbarisme supinely rowles;
Their fortunes not more slavish than their soules.
. . . . . .
What state than theirs can more unhappy be,
Threatened with hell, and sure of poverty.
The small beginning of the Turkish kings,
And their large growth, shew us that different things
May meet in one third; what most disagree
May have some likenesse; for in this we see
A mustard-seed may be resembled well
To the two kingdoms, both of heaven and hell,
Their strength, and wants, this work hath both unwound,
To teach how these t'increase, and that confound,
Relates their tenets, scorning to dispute;
With error, which to tell is to confute;
Showes how even there where Christ vouchsaft to teach
Their Devices dare an imposter preach,
For whilst with private quarrels we decaid,
We way for them and their religion made;
And can but wishes now to heaven preferre
May they gaine Christ, or we his sepulchre.

Sometimes Falkland touches, with light satire, questions of contemporary controversy; as in the lines from the same

poem in which he refers to Sandys' description of the Eastern churches:—

> Those churches which from the first hereticks wan
> All the first fields, or led (at least) the van,
> In whom these notes, so much required, be,
> Agreement, miracles, antiquity.
> Which can a never-broke succession show
> From the Apostles doom; (here bragg'd of so)
> So but confute her most immodest claime
> Who scorn a past, yet to be all doth aime.
> Lie now distrest between two enemy-powers,
> Whom the West dawns and whom the East devoures.
> What state than theirs can more unhappy be,
> Threadned with hell, and sure of poverty.

Sandys, however, was as keenly interested in the new world of the West as in the older world of the East. He was a member of the Council of the Virginia company and spent some time in the colony. Old enough to have been Falkland's father it is difficult to trace the origin of their intimacy. Perhaps it was due to the fact that Anne Sandys, his niece, married one of Falkland's Oxfordshire neighbours Sir Francis Wenman of Carswell, near Witney, where Sandys was a frequent visitor.

Wenman himself, according to Clarendon, lacked the health and ambition to play a prominent part in public affairs, "though no man of his quality in England was more esteemed in Court. . . . He was a neighbour to the Lord Falkland, and in so entire friendship and confidence with him that he had great authority in the society of all his friends and acquaintance. He was a man of great sharpness of understanding, and of a piercing judgment; no man better understood the affection and temper of the kingdom, or indeed the nature of the nation, or discerned further the consequence of counsels, and with what success they were like to be attended. He was a very good Latin scholar,

but his ratiocination was above his learning; and the sharpness of his wit incomparable."

"Jack" Vaughan, destined to become "Sir John" and Chief Justice of the Common Pleas (1668), is mentioned both by Suckling and Clarendon as belonging to the same set. He was at that time a young lawyer "much cherished by Mr. Selden," and "to that owed the best part of his reputation". He seems to have dallied in literature,[1] but we have no evidence of any special friendship subsisting between him and Falkland. Clarendon, though he offered him a judgeship after the Restoration, had a well-grounded contempt for him, both as a man and a politician, and strongly resented his ingratitude towards himself. "He was of so magisterial and supercilious a humour, so proud and insolent a behaviour that all Mr. Selden's instructions, and authority and example, could not file off that roughness of his nature, so as to make him very grateful." Though he "preserved his loyalty entire" he "looked most into those parts of the law which disposed him to least reverence to the Crown and most to popular authority".

Selden himself, though much senior to Falkland, was, according to Clarendon, an intimate friend, a man of "so stupendous learning in all kinds and in all languages (as as may appear in his excellent and transcendant writings) that a man would have thought he had been entirely conversant amongst books, and had never spent an hour but in reading and writing"; but he was even more brilliant as a conversationalist. Selden's fame, however, belongs to English history, and, as he can have taken but little part in the *convivia* at Great Tew, this brief reference to his friendship with Falkland must suffice.

Sidney Godolphin—the "Little Sid" of Suckling's poem

[1] He must not be confounded with Henry Vaughan, a really considerable figure in seventeenth-century literature.

—was an exact contemporary (1610-43) of Falkland's, and shared his fate in the first year of the war. The origin of their friendship is humorously ascribed by Falkland to the fact that in stature Godolphin was inferior even to himself. "There was never," says Clarendon, "so great a mind and spirit contained in so little room; so large an understanding and so unrestrained a fancy in so very small a body; so that the Lord Falkland used to say merrily, that he thought it was a great ingredient into his friendship for Mr. Godolphin that he was pleased to be found in his company, where he was the properer man; and it may be the very remarkableness of his little person made the sharpness of his wit and the composed quickness of his judgment the more notable." By nature averse to society and devoted to his books he was one of the many refined and retiring spirits imperatively called to action by the cruel events of the time. He sat for Helston, in his native county, in both the Parliaments of 1640,[1] and was strongly opposed to the condemnation of Strafford. He lives to us a figure strangely pathetic in Clarendon's slight sketch. "He was of so nice and tender a composition that a little rain or wind would disorder him and divert him from any short journey he had most willingly proposed to himself; . . . yet the civil war no sooner began . . . than he put himself into the first troops that were raised in the West for the King and bore the uneasiness and fatigue of winter marches, with an exemplar courage and alacrity; until by a too brave pursuit of the enemy . . . he was shot (at Chagford) with a musket . . . to the excessive grief of his friends who were all that knew him; and the irreparable damage of the public." Hobbes, it may be noted, shared Clarendon's admiration for "little Sid," to whose brother Francis he dedicated the "Leviathian".

[1] As in that of 1628-29.

"Tom" Carew need not happily be mentioned among the friends of Falkland, although he was among the "chief acquaintance" of Clarendon. A man of dissolute habits he died, says Clarendon, "with the greatest remorse for that license". He wrote amorous verse which as a competent critic has said is "melodious and highly polished, though characterised by the usual conceits and affectation of his time". The same writer caustically adds: "Carew has left some wretched attempts at versifying a few of the Psalms. . . . They have not a single merit."[1] The censure is perhaps overdone. Another critic,[2] certainly not less responsible, acquits him, except in one instance, of the charge of gross obscenity, though he condemns justly his pettiness and effeminacy. Mr. Courthope indeed goes so far as to say that lines such as some of Carew's "are sufficient in themselves to explain the overthrow of the Cavaliers within twelve years at Marston Moor. An imagination so shallow, so incapable of penetrating to the heart and movement of things beyond the trivial circle of Court amusements, was of course unable to rise into the region of the noble and pathetic."[3] This suggestive criticism on Carew raises large and interesting questions as to the relation of poetry and politics, which, despite Falkland's immersion in both, it is impossible for his biographer to pursue.

Of the rest of the long list given by Suckling it is unnecessary to say anything. Some have faded altogether from the memory of man. Some survive in other connections. "Wat" Montague—the obscurity of whose pastoral is derided by Suckling; Hales and, above all, Chillingworth belong essentially to the later period of Falkland's literary friendships. They will be more fitly noticed in connection with the *Convivium Theologicum*. Abraham Cowley and Edmund Waller, superior to most as regards poetic achieve-

[1] Dr. Jessop, *ap. D.N.B.*, *s. v.* [2] Mr. W. J. Courthope.
[3] *Hist. of Eng. Poetry*, iii., 244.

ment, are not in Suckling's list, and though they belonged to this famous circle they connect themselves, in relation to Falkland, rather with the *Bellum Episcopale* than with the *convivium* at Tew. Davenant, though an Oxford man by birth and education, does not, either in poetry or politics, connect himself with Falkland at all. Suckling himself—brilliant, versatile and reckless, a genuine poet but a disastrous political intriguer—will reappear.

But there remains one name which, on more than one ground, deserves a passing notice in any biography of Falkland.

Of all the members of this literary coterie Ben Jonson was, of course, incomparably the greatest, and the relations which subsisted between him and Falkland were especially graceful and honourable to both.

> He had an infant's innocence and truth
> The judgment of gray hairs, the wit of youth,
> Not a young rashness, nor an ag'd despair,
> The courage of the one, the other's care;
> And both of them might wonder, to discern,
> His ableness to teach, his skill to learn.

So Falkland wrote, not ungracefully, to his master and friend on one of his birthdays. On another he wrote an "Epistle to his noble father, Ben":—

> I thought you proud, for I did surely know
> Had I Ben Jonson been, I had been so.[1]

Known to his friends as "our metropolitan in poetry," "Good old Ben" lacked nothing of the reverence due to his position or the popularity which is generally the meed of self-indulgence. Suckling's verse recalls his proverbial fondness for "canary wine," of which, says Izaak Walton, "he usually took too much before he went to bed if not oftener and sooner"; but Falkland's lines, despite their

[1] *Cf. Works of Ben Jonson*, ed. Gifford, vol. ix.

artificiality of form, are inspired by genuine feeling, and would suffice to prove, apart from other testimony, the affection of the young patron for his distinguished guest.

Clarendon refers particularly to old Ben as a typical recipient of Falkland's open-handed but delicate generosity. "He seemed to have his estate in trust for all worthy persons who stood in want of supplies and encouragement, as Ben Johnson, and many others of that time, whose fortunes required, and whose spirits made them superior to, ordinary obligations; which yet they were contented to receive from him, because his bounties were so generously distributed, and so much without vanity and ostentation, that, except from those few persons from whom he sometimes received the characters of fit objects for his benefits, or whom he intrusted, for the more secret deriving them to them, he did all he could, that the persons themselves who received them should not know from what fountain they flowed; and when that could not be concealed, he sustained any acknowledgment from the persons obliged with so much trouble and bashfulness, that they might well perceive, that he was even ashamed of the little he had given, and to receive so large a recompense for it." Not even the relation at which Clarendon thus delicately hints sufficed to strain the friendship between Falkland and the old poet who "did exceedingly exalt the English language in eloquence, propriety, and masculine expressions," and in whose memory Falkland wrote his most elaborate poem.[1]

> Then for my slender reede to sound his name,
> Would more my folly than his praise proclaime;
> And when you wish my weaknesse sing his worth,
> You charge a mouse to bring a mountaine forth.
> I am by Nature formed, by woes made dull,
> My head is emptier than my heart is full;

[1] The *Eclogue on the Death of Ben Jonson* is printed in Grosart's collection and also—though less accurately—by Lady T. Lewis.

Grief doth my braine impaire, as tears supply,
Which makes my face so moist, my pen so dry.
Nor should this work proceed from woods and dounes,
But from th' academies, courts and tounes;
. . . . . .
Yet for this cause no labour need be spent.
Writing his workes he built his monument.

All classes and conditions of men continued to pay reverence to the great poet:—

To him how daily flockt, what reverence gave
All that had wit, or would be thought to have.
. . . . . .
How the wise, too, did with meere wits agree
As Pembroke, Portland, and grave Aubigny;
Nor thought the rigid'st senator a shame
To contribute to so deserv'd a fame:
How great Eliza, the retreate of those
Who weake and injured her protection chose.
. . . . . .
With her judicious favours did infuse
Courage and strength into his younger muse;
How learnèd James, whose praise no end shall finde,
. . . . . .
Declared great Johnson worthiest to receive
The garland which the Muses' hands did weave.
. . . . . .
How mighty Charles, amidst that weighty care
In which three kingdoms as their blessing share,
. . . . . .
Found still some time to heare and to admire
The happy sounds of his harmonious lire,
As did his Queen. . . .

Nor was the poet unworthy of his fame and popularity, for never did he prostitute his genius to vile or even unworthy ends.

. . . I oft have heard him tell
Of his rare pen, what was the use and price,
The bayes of vertue, and the scourge of vice;
How the rich ignorant he valued least,
Nor for the trappings would esteeme the beast;
But did our youth to noble actions raise,
Hoping the meed of his immortal praise.

How bright and soone his Muse's morning shone,
Her noone how lasting and her evening none!
How speech exceeds not dumbenesse nor verse prose,
More than his verse the low rough rimes of those
(For such his seene, they seem'd) who highest rear'd,
Possest Parnassus ere his power appear'd;
Nor shall another pen his fame dissolve,
Till we this doubtful probleme can resolve:—
Which in his workes we most transcendent see,
Wit, judgment, learning, art, or industry:
Which "*till*" is never, so all jointly flow,
And each doth to an equall torrent grow.
His learning such, no author, old or new
Except his reading, that deserved his view;
And such his judgement, so exact his test
As what was best in bookes, as what bookes best,
That had he join'd those notes his labours tooke,
From each most praised and praise-deserving booke,
And could the world of that choise treasure boast,
It need not care though all the rest were lost:
And such his wit, he writ past what he quotes,
And his productions farre exceed his notes,
So in his workes where ought inserted growes,
The noblest of the plants ingrafted showes,
That his adopted children equall not
The generous issue his own braine begot;
So great his art, that much which he did write,
Gave the wise wonder, and the crowd delight.
Each sort as well as sex admired his wit,
The hees and shees, the boxes and the pit;
And who lesse lik't within, did rather chuse
To taxe their judgements than suspect his Muse.
How no spectator his chaste stage could call
The cause of any crime of his; but all
With thoughts and wits purg'd and ammended rise,
From th' ethicke lectures of his comedies.
Where the spectators act, and the sham'd age
Blusheth to meet her follies on the stage:
Where each man finds some light he never sought,
And leaves behind some vanitie he brought;
Whose politicks no lesse the minds direct,
Then these the manners; nor with less effect.

When his majesticke tragedies relate,
All the disorders of a tottering State,
All the distempers which on kingdomes fall
When ease, and wealth, and vice are generall—
And yet the minds against all feare assure,
And telling the disease, prescribe the cure:
Where, as he tels what subtle wayes, what friends
(Seeking their wicked and their wisht-for ends)
Ambitious and luxurious persons prove,
Whom vast desires or mighty wants doth move
The generall frame to sap and undermine,
In proud Sejanus and bold Catalene;
So in his vigilant Prince and consul's parts,
He showes the wiser and the nobler arts,
By which a State may be unhurt upheld,
And all those workes destroy'd which hell would build
Who (not like those who with small praise and writ,
Had they not cal'd in judgment to their wit)
Us'd not a tutoring hand his to direct
But was sole workeman and sole architect.
And sure by what my friend did daily tell
If he but acted his own part as well
As he writ those of others, he may boast,
The happy fields hold not a happier ghost.

Of Falkland's own position and powers as a poet something remains to be said. Considerable extracts from his poems have already been given, sufficient, it is hoped, to enable the reader to estimate fairly his merits. It would be absurd to make any high claim on his behalf. The quantity of his output is inconsiderable, his poems, as collected by Dr. Grosart, occuping some sixty pages octavo; and the quality is not such as to entitle him to any very exalted place among the minor poets. His poems are obviously the work of a scholar, a critic, a philosopher and above all a generous-hearted friend. "His first years of reason," writes Wood, "were spent in poetry and polite learning, into the first of which he made divers plausible sallies which caused him, therefore, to be admired by the

poets of those times".[1] "Plausible sallies" describes not inaptly Falkland's essays in poetry; but, without cynicism, doubt may be expressed whether they would have gained him the admiration of contemporaries had they been the work of a poor rival instead of a generous patron and devoted friend. Mr. Courthope, one of the sanest and soundest of modern critics, after pointing out that he worked mainly in the elegiac vein which Ben Jonson had developed, declares that "he had not inspiration enough to make his memorial verses vital and pathetic". Moreover, while willing to admit that the formal pastoral style "represented something of reality to the poet's imagination," he concludes, "the fact remains that Falkland fails to convince the reader that he is writing the language of his heart". But perhaps the last word on the matter rests with Bishop Earle whose judgment on his friend's poems (if Aubrey accurately reports him) was as sound as it was terse. "Dr. Earle would not allow Falkland to be a good poet, though a great wit; he writ not a smooth verse, but a good deal of sense." The criticism is precisely true. If Falkland lacks the high gifts of music and imagination which would give him a place among the great poets, still less is he guilty of those affectations—or worse—which are too often characteristic of the minor poets. He is at least manly, straightforward and simple; and eminently distinguished for good sense. That he lacks "smoothness" he is himself painfully conscious. Thus in the last of the poems to Sandys he contrasts the acknowledged "smoothness" of Sandys with his own plausible sallies:—

> Such is the verse thou writ'st, that who reads thine
> Can never be content to suffer mine;
> Such is the verse I write, that reading mine
> I hardly can believe I have read thine;

[1] ii., 566.

And wonder that their excellence once knowne,
I nor correct, nor yet conceale mine owne.
Yet though I danger feare then censure lesse,
Nor apprehend a breach like to a presse,
Thy merits now the second time inflame,
To sacrifice the remnant of my shame.

This poem was written in 1640, only three years before his own mournful end. There seems, therefore, a strange pathos, as well as unquestionable poetic feeling, in its concluding lines, the last, as far as we know, that Falkland ever wrote :—[1]

Howe're, I finish here; my Muse her daies,
Ends in expressing thy deservèd praise,
Whose fate in this seemed fortunately cast,
To have so just an action for her last.
And since there are who have been taught that death
Inspireth prophecie, expelling breath,
I hope when these foretell what happie gaines
Posteritie shall reape from these thy paines,
Nor yet from these alone, but how thy pen
Earthlike, shall yearly give new gifts to men;
And thou fresh praise and wee fresh good receive.
(For he who thus can write, can never leave)
How Time in them shall never force a breach,
But they shall always live and always teach,
That the sole likelihood which these present
Will from the more raised soules command assent.
And the so taught will not beliefe refuse,
To the last accents of a dying Muse.

[1] Grosart : *Memorial Introduction*, p. 26.

CHAPTER IV

THE *CONVIVIUM PHILOSOPHICUM*

WE pass to the second and more important stage in Falkland's literary career. The writing of verse seems to have remained to him as an occasional pastime until his absorption into the stern realities of political life. But his intimacy with the Cavalier poets represents after all merely a passing phase in his intellectual development, and the Sessions of the Poets gave way before long to the *Convivium Philosophicum* and *Convivium Theologicum.*

Theology was the absorbing interest of Falkland's ripening manhood. To Suckling's obvious regret he was "gone with divinity". But theological speculation was with him only the intellectual reflex of deep religious earnestness and a lofty moral purpose. "His religion," says the good Triplet, "was the more eminent because the more early at that age when young gallants think least on it: when they, young candidates of Atheisme begin to dispute themselves out of a beleefe of a Deity, urging hard against that which indeed is best for them that it should never be, a judgment to come; then, I say that Salvation which these mention with a scoff or a jeere he began to work out with feare and trembling." Triplet's passing hint as to the genesis of much intellectual "doubt" proves him to have been a close and shrewd observer of youth. With Falkland the impulse to theological speculation was derived from individual reflec-

tion upon the moral bases of conduct and life. At the same time he neglected no means of intellectual equipment for the task to which he now seriously devoted his life. On this point Clarendon is explicit. "He made so prodigious a progress in learning that there were very few classic authors in the Greek or Latin tongue that he had not read with great exactness. He had read all the Greek and Latin fathers; all the most allowed and authentic ecclesiastical writers; and all the councils with wonderful care and observation; for in religion he thought too careful and too curious an enquiry could not be made amongst those, whose purity was not questioned, and whose authority was constantly and confidently urged by men who were furthest from being of one mind among themselves; and for the mutual support of their several opinions in which they most contradicted each other; and in all those controversies, he had so dispassioned a consideration, such a candour in his nature, and so profound a charity in his conscience, that in those points, in which he was in his own judgment most clear, he never thought the worse, or in any degree declined the familiarity of those who were of another mind; which without doubt is an excellent temper for the propagation and advancement of Christianity. With these great advantages of industry he had a memory retentive of all that he had ever read, and an understanding and judgment to apply it seasonably and appositely, with the most dexterity and address, and the least pedantry and affectation that ever man, who knew so much, was possessed with, of what quality soever."[1] It is a wonderful picture which Clarendon draws of the precise and painstaking scholar, the calm but eager searcher after truth, the courteous but keen controversialist, above all the large-hearted and simple-minded Christian who, with his own clear and un-

[1] *Life*, i., 48, 49.

shakeable convictions had the charity that thinketh no ill of those from whom he differed.

Before attempting an estimate of the value of Falkland's own work in theology, it is desirable to make closer acquaintance with the brilliant band of scholars and divines who gathered round their host at Great Tew—Dr. Sheldon, Dr. Morley, Dr. Earle, Dr. Hammond and Mr. Chillingworth. Hales, though not specifically mentioned, must surely have been included in the general description, "all men of eminent parts and faculties in Oxford, besides those who resorted thither from London". Of those whom Clarendon does name, the first died Archbishop of Canterbury, the second, Bishop of Winchester, and the third, Bishop of Salisbury; but as theological writers none attained the eminence of Hammond or Hales or Chillingworth.

A word is due, in the first place, of the man to whom we owe these noble portraits of Falkland and his friends. In this connection we think of Edward Hyde, Lord Clarendon, not as the distinguished lawyer; not as the leader of the constitutional royalists; not as the faithful adviser of Charles I., nor the patient counsellor of his exiled son; not as the man who presided with moderating sagacity over the settlement of the Restoration, but of the chronicler of the time, the incomparable portrait painter, the devoted friend.

Much may be said in criticism of the *History of the Rebellion*. A great lawyer is perhaps constitutionally unfitted to be the impartial chronicler of such a period, nor could one who played a leading part in the drama be expected to view with impartiality its successive scenes, culminating in the great tragedy of 1649. But apart from personal bias and the more or less conscious confusion of events, the *History* has two grave shortcomings: it fails altogether to gauge the strength of the forces which were at work to produce the great upheaval of 1640; and it attributes far too much

importance to the play of personal idiosyncrasies. But its merits and defects alike contribute to its perennial fascination. As an analysis of the causes of the Rebellion it is wholly inadequate; as a gallery of contemporary portraits it is interesting and valuable beyond all verbal computation. By means of a few felicitous phrases, a deft touch here and a line there, Clarendon makes the men of the time live before our eyes. The Pyms and Hampdens, the Vanes and Wallers, the Essexes and Manchesters, the Hoptons and Grenvilles, the Bedfords, Gorings, Digbys and the rest become our intimate associates; we go in and out among them; we know them as they were—or at least as they appeared to the prince of portrait painters. And if this be true of the general political crowd, how much more so of those with whom Clarendon lived on terms of affectionate intimacy, and particularly of the charmed circle at Great Tew.

Of the affection which subsisted between Falkland and Clarendon it is unnecessary at this point to speak: almost every page of the subsequent narrative will bear testimony to its abiding strength. "From his age of twenty years," writes Clarendon of his dead friend, "he had lived in an entire friendship with the Chancellor who was about six months older; and who never spake of him afterwards, but with a love and a grief, which still raised some commotion in him." The commotion has not infrequently communicated itself to his readers. Dean Boyle tells a story to this effect of Sir James Mackintosh. He appears to have been fond of reading extracts from Clarendon to his family, and when reading the famous passage on Falkland's last days he came to the words, "Peace, peace," he burst into tears, and was so agitated that on some later occasion when he was asked to read aloud, he said: "I will read anything but Clarendon's character of Falkland". It was a fitting tribute from one historian to the genius of another.

Among the friends whom Hyde and Falkland gathered round them Sheldon claims first notice. Of Sheldon "Sir Francis Wenman would often say when the doctor resorted to the conversation at the Lord Falkland's house, as he frequently did, that 'Doctor Sheldon was born and bred to be Archbishop of Canterbury'". Sir Francis Wenman was not deceived by neighbourly partiality; but the fulfilment of his prediction was deferred until after the Restoration. As Chaplain and Clerk of the Closet, Sheldon was in personal attendance upon Charles I. at Oxford, Newmarket, and in the Isle of Wight, and in 1648 was committed to custody in Oxford for his refusal to surrender the Warden's lodgings at All Souls to the Parliamentary visitors. Liberated on condition that he did not come within five miles of Oxford or "again go to the help of his suffering master," he went into retirement. He emerged to welcome Charles II. on his return to England, and to be rewarded for his steadfast loyalty by the Deanery of the Chapel Royal, the Bishopric of London, the Mastership of the Savoy and a seat in the Privy Council—appointments and honours which were showered upon him in rapid succession in 1660. He was largely responsible for the ecclesiastical settlement after the Restoration, and in 1663 succeeded Juxon as Archbishop of Canterbury. In that capacity he effected by a verbal arrangement with his friend, Lord Chancellor Clarendon, a change of high significance in regard to the constitutional status of the clergy. Henceforward the clergy ceased to tax themselves in convocation, and so were merged, in respect of one important function, into the mass of citizens. Ecclesiastically he was strongly opposed to nonconformity, but despite his official rigour against dissenters he is said to have shown them many acts of personal kindness. As a high Tory and strong Churchman he did not commend himself to Burnet, who with scandalous levity declared that

"he had little virtue and less religion". Neal, the historian of the Puritans, has so far improved upon Burnet's statement as to affirm that "he made a jest of religion any further than it was a political engine of State". In view of the currency given to these statements, grossly defaming the memory of a good man, it is worth while to quote at greater length Burnet's opinion, together with that of another contemporary. "Sheldon," says Burnet, "was accounted a learned man before the wars, but he was ever engaged so deep in politics that scarce any points of what he had been remained. He was a very dexterous man in business, had a great quickness of apprehension and a very true judgment. He was a generous and charitable man. He had a great pleasantness in conversation, perhaps too great. He had an art that was peculiar to him of treating all that came to him in a most obliging manner; but few depended much on his professions of friendship. He seemed not to have a very deep sense of religion, if any at all, and spoke of it most commonly as of an engine of Government and a matter of policy. By this means the King came to look on him as a wise and honest clergyman." In the *Commentaries*[1] of Samuel Parker, Sheldon's chaplain and James II.'s nominee for the Presidency of Magdalen and the Bishopric of Oxford, we have a portrait of Sheldon which is at once obviously true to life, and at the same time sufficiently accounts for the uncharitable interpretation of Burnet and Neal. "Archbishop Sheldon," writes Parker, "was a man of undoubted piety, but though he was very assiduous at prayers yet he did not set so great a value on them as others did, nor regarded so much worship as the use of worship, *placing the chief point of religion in the practice of a good life.* In his daily discourse he cautioned those about him not to deceive

[1] Quoted by Burrows.

themselves with an half religion nor to think that Divine worship was confined within the walls of the church, the principal part of it being without doors and consisting in being conversant with mankind. *If men lived an upright, sober, chaste life then and not till then they might look upon themselves* as religious. . . . He had a great aversion to all pretences to extraordinary piety which covered real dishonesty; but had a sincere affection for those whose religion was attended with integrity of manners." This passage, and particularly the portions of it which I have italicised, are of peculiar value as explaining the qualities in Sheldon which proved irresistibly attractive to his friend Falkland. During the early days of that friendship, Sheldon was a Fellow of All Souls, but was elected to the Wardenship of that society in 1635-6. But already, as Clarendon tells us, his "learning, gravity and prudence . . . had raised him to such a reputation that he was then looked upon as very equal to any preferment the Church could yield or hath since yielded to him". We may surmise, however, that powerfully as Falkland was drawn to the learned scholar, he was even more attracted by the singularly unostentatious piety of the man who like his host thought more highly of a good life than of a long prayer, and who courageously rebuked vice in the highest quarters. Sheldon may have been more of a statesman than a divine; he may have shown official harshness to Burnet's friends, but Oxford has good cause to cherish the memory of one of the most munificent of its benefactors, while the biographer of Falkland is seriously concerned to vindicate the character of one of the most intimate and perhaps the most distinguished of his friends.

A strong contrast to the figure of the statesman-archbishop is that of his friend, Henry Hammond. Like Sheldon he was a chaplain to Charles I., and like him was in close attendance upon his master at Oxford, at Hampton Court

(in 1647), and in the Isle of Wight. Educated at Eton and Magdalen College, Oxford, he became a Fellow of the latter society in 1625, and remained in residence until his appointment to the living of Penshurst in 1633. At the latter date his active membership of the Great Tew *Convivium* must have ceased. An unbending Churchman and a devoted personal friend to Charles I., he so far conciliated the goodwill of his opponents as to be nominated to the Westminster Assembly (in which he never sat), and to earn the approbation of Richard Baxter and Bishop Burnet. His *Practical Catechism* was published in 1644, and it is said by Mr. Hooper[1] that "one of Charles' last acts at Carisbrooke was to entrust to Sir Thomas Herbert" a copy of the book for the use of his son the Duke of Gloucester. The same critic affirms that Hammond's *Paraphrase and Annotations on the New Testament* (published in 1653) gives him "a claim to the title of father of English biblical criticism" —a claim which it would perhaps be difficult to enforce, and which ignores, among others, that of Dean Colet. The list of his other published works fills nearly three and a half columns of the *Dictionary of National Biography*, and more detailed reference to their contents is, therefore, impossible. His life, written by his friend and contemporary, Bishop Fell, was published in 1661, and presents, as Dr. Tulloch says, "a beautiful picture of self-devotion, simplicity and saintliness." Dr. Hammond is said to have been destined, had he lived, for the Bishopric of Worcester. It was actually filled for a year by his friend, Dr. Earle, who was consecrated to that See in 1662, and translated to that of Salisbury in 1663.

Bishop Earle is now best remembered as the author of a series of exceedingly "witty characters". This work was published anonymously in 1628 under the title of *Micro-*

[1] *Ap. D.N.B.*, s. v.

cosmographie, or a Peece of World Discovered in Essayes and Characters; it ran through a dozen editions or more, and has been reprinted in our own day. These "witty and sharp discourses" certainly tend to support Clarendon's assertion that "he was of a conversation so pleasant and delightful, so very innocent and so very facetious that no man's company was more desired and more loved". Elected to a Fellowship at Merton in 1619 he was "notable for his eloquence in the Greek and Latin tongues," but he would, says Clarendon, "frequently profess that he had got more useful learning by his conversation at Tew than he had at Oxford". He was nearly ten years older than Falkland, but was an intimate and much appreciated member of his circle, and had many affinities with him both as regards interests and character. Like his host, "his younger years were adorned" as Wood says, "with oratory, poetry, and witty fancies". He was, says Clarendon, "an excellent poet both in Latin, Greek and English," but many of his poems he suppressed "out of an austerity to those sallies of his youth". He spent at Tew "as much time as he could make his own," and Falkland attributed to his help the rapid progress he made in Greek scholarship. In theological views the friends must have been in complete sympathy. An entirely loyal member of the Church of England he was, like Hammond, nominated to a seat in the Westminster Assembly, though, like him, he refused it. But the offer is in itself sufficient to confirm Clarendon's statement that "he was among the few excellent men who never had and never could have an enemy".

Like his friends Sheldon and Earle, Dr. Morley was raised to the episcopal bench after the Restoration, becoming Bishop of Worcester in 1660, and of Winchester in 1662. Educated at Westminster and Christ Church he remained in Oxford after taking his degree (M.A., 1621), and was a con-

stant visitor at Tew. He had a warm heart and a sharp tongue, being a man, says Clarendon, "of great wit and readiness and subtilty in disputation, and of remarkable temper and prudence in conversation which rendered him most grateful in all the best company". The respect entertained for him by John Hampden and others of the Puritan party made him suspect in the eyes of "those Churchmen who had the greatest power in ecclesiastical promotions". Laud, indeed, lived long enough to recognise his entire loyalty and devotion to the Church, but Morley's famous rejoinder in regard to the Arminians—a rejoinder which would in itself have secured him immortality—can hardly have tended to conciliate the Archbishop's goodwill. "A grave country gentleman," being puzzled as to precise tenets of the Arminians, asked him on one occasion "what the Arminians held"? To which query Morley pleasantly replied that "they held all the best bishoprics and deaneries in England".

The two other members of the famous coterie, Hales and Chillingworth, occupy a position of exceptional importance in relation to Falkland's intellectual life.

Hales is described by Aubrey as "a prettie little man, sanguine, of a cheerfull countenance, very gentile and courteous . . . He loved Canarie: but moderately to refresh his spirits. He had a bountifull mind." Bountiful Hales was in more than a material sense. Heylyn says he was "as communicative of his knowledge as the celestial bodies of their light and influences".[1] "One of the least men in the Kingdom; and one of the greatest scholars in Europe," is Clarendon's pithy description. His erudition was profound and his powers of memory proverbial. "He had sure read more and carried more about him in his excellent

[1] Quoted in *D.N.B.* For Hales, *cf.* also Clarendon's *Life*, Aubrey, Wood, and Tulloch.

memory than any man I ever knew, my lord Falkland only excepted, who I think sided him." Between Falkland and Hales there was much in common besides small stature and great learning. They were alike in diffidence and mistrust of their own powers: Hales was as reluctant to take a cure of souls as Falkland to accept political office. They were alike suspected of Socinianism; and with equal injustice. They were alike in their broad-minded views on religious toleration. Hales happened to be in Holland as chaplain to Sir Dudley Carleton, the ambassador at the Hague, at the time of the Synod of Dort (1618), and was sent by his chief to watch and report upon the proceedings. "He hath left," says Clarendon, "the best memorial behind him of the ignorance and passion and animosity and injustice of that convention; of which he often made many pleasant relations." The Synod was the turning-point in his intellectual life. Like Falkland he became "a bigot for toleration". "Nothing troubled him more than the brawls which were grown from religion; and he therefore exceedingly detested the tyranny of the Church of Rome; more for their imposing uncharitably upon the consciences of other men than for the errors in their own opinions: and would often say that he would renounce the religion of the Church of England to-morrow if it obliged him to believe that any other Christians should be damned." A truly remarkable utterance in the age of Baillie and Baxter, of Bancroft and Laud; but that it was the national and characteristic expression of a singularly beautiful spirit is clear from Clarendon's description of the man. "No man more strict and severe to himself: to other men so charitable as to their opinions that he thought that other men were more in fault for their carriage towards them than the men themselves were who erred; and he thought that pride and passion more than conscience were the cause of all separation from

each other's communion; and he frequently said that that only kept the world from agreeing upon such a liturgy as might bring them into one communion. . . . Upon an occasional discourse with a friend of the frequent and uncharitable reproaches of heretick and schismatic too lightly thrown at each other amongst men who differ in their judgment he writ a little discourse of Schism, contained in less than two sheets of paper." This is the famous tract on "Schism and Schismatics" which, written about 1636, was circulated in manuscript and eventually published in 1642. Laud who "was a very rigid surveyor of all things which never so little bordered up on Schism," sent for Hales whom he had known at Oxford but lost sight of. It is to the eternal honour of the Archbishop, and an evidence of his real tolerance of soul, that he not only made Hales one of his chaplains, but pressed upon him a canonry of Windsor. As he was a Fellow of Eton and resided there, it was, as Clarendon points out, "the most convenient preferment that could be thought of for him," but the old scholar declared that "he had enough," and eventually accepted it more to please Laud than to please himself. At Eton Hales eventually died, after much harsh treatment at the hands of the dominant party, in 1656.

At the moment when Hales was writing his tract on schism, Chillingworth was busily engaged at Tew in preparing his monumental work on *The Religion of Protestants*. Of all Falkland's friends he was, with the exception of Clarendon, the most intimate and, in an intellectual sense, the most influential. Aubrey speaks of him as Falkland's "most intimate and beloved favourite," and as being "most commonly with my lord".

William Chillingworth was in every sense of the word an Oxford man: born at Oxford (1602), the son of a prosperous brewer who was afterwards mayor of the city; a godson of

"Mr. Laud of St. John's College"; educated at a Grammar School in Oxford; Scholar and subsequently (1628) Fellow of Trinity College. The University, like the country at large, reeked at that time with theological controversy; "I think," says Aubrey, "it was an epidemick evill of that time which now is growne out of fashion as unmannerly and boyish". Among the disputants Chillingworth was, he says, "the readiest and nimblest". "A man," says Clarendon, "of so great a subtilty of understanding and so rare a temper in debate, that as it was impossible to provoke him into any passion, so it was very difficult to keep a man's self from being a little discomposed by his sharpness and quickness of argument and instances in which he had a rare facility and a great advantage over all the men I ever knew. He had spent all his younger time in disputation, and had arrived at so great a mastery as he was inferior to no man in those skirmishes." But he was no mere controversialist for the sake of controversy; he was throughout life a fearless and untiring seeker after truth. The search carried him backwards and forwards, but it was none the less genuine. After taking his degree he came under the influence of John Fisher, the Jesuit, and finding himself "unable to answer his arguments," he allowed himself to be received into the Church of Rome. A year at Douay, combined with earnest correspondence with his godfather Laud, sufficed to convince him of his error, and in 1631 he returned to Oxford and ultimately to the fold of the Anglican Church. Drawn towards Falkland by common intellectual interests, he became an intimate friend, and practically took up his residence at Great Tew where he wrote his great work, published in 1637.

The Religion of Protestants a Safe Way of Salvation was the most important contribution to Anglican theology since the publication of Hooker's *Ecclesiastical Polity*, but the form of the work is, it must be confessed, repellant to

any but professional controversialists. In 1630 a Jesuit, Edward Knott or Nott, published a work *Charity mistaken with the want whereof Catholics are unjustly charged for affirming as they do with grief, that a Protestancy unrepented destroys Salvation.* To this Dr. Potter, Provost of Queen's College, replied in *Want of Charity justly charged on all such Romanists as dare (without truth or modesty) affirm that Protestancie destroyeth Salvation.* Knott returned to the charge with *Mercy and Truth or Charity maintained by Catholics.*

It was then that Chillingworth struck in with the work on which his abiding fame rests. Detailed examination of its argument is impossible in this place, but the reader who desires to make it may be referred to the excellent edition published by the Oxford University Press in 1838, or, failing time and inclination (and be it added the trained skill necessary) to unravel the essential argument under the disadvantages of the form, to Dr. Tulloch's[1] masterly analysis. The main thesis of the work may be reduced to two arguments and an appeal. First, he argues that the fundamental and essential truths of religion are comparatively few and simple; secondly, that they may be ascertained by simple and learned alike from the Bible; and finally, he makes a noble appeal for Christian unity on the basis of the widest possible toleration. For the essentials of belief he would accept the statements of the Apostles' Creed which has been esteemed "a sufficient summary or catalogue of fundamentals by the most learned Romanists and by antiquity". "What man or Church soever believes this Creed and all the evident consequences of it, sincerely and heartily, cannot possibly be in any error of simple belief offensive to God." To the Roman principle of infallibility he opposes the assertion that

[1] *Op. cit.*, pp. 305-40.

"the Bible and the Bible only is the religion of Protestants". To the common objection as to difficulties of interpretation he boldly replies that Scripture[1] "is sufficiently perfect and sufficiently intelligible to all that have understanding, whether they be learned or unlearned. And my reason hereof is convincing and demonstrative, because nothing is necessary *to be believed but what is plainly revealed.* For to say that where a place, by reason of ambiguous terms, lies indifferent between divers senses whereof one is true and the other is false, that God obliges man, under pain of damnation, not to mistake through error and human frailty, is to make God a tyrant; and to say that He requires us certainly to attain that end, for the attaining whereof we had no certain means, which is to say that, like Pharaoh, He gives no straw, and requires brick; that He reaps where He sows not; that He gathers where He strews not; that He will not accept of us according to that which we have but requireth of us what we have not. . . . Shall we not tremble to impute that to God which we would take as foul scorn if it were imputed to ourselves? Certainly I for my part fear I should not love God if I should think so strangely of Him." "I am fully assured," he concludes, "that God does not and, therefore, that man ought not, to require any more of any man than this—to believe the Scripture to be God's word, to endeavour to find the true sense of it, and to live according to it."

Here we have the basis for the truly Catholic Church, into whose fold Chillingworth, like Falkland, would fain have seen all men brought; here we have a basis for the religion of Protestants. And "by the 'Religion of Protestants' I do not understand the doctrine of Luther or Calvin or Geneva, nor the Confession of Augusta or Geneva, nor the

[1] Tulloch, p. 326.

Catechism of Heidelberg, nor the Articles of the Church of England—no, nor the harmony of Protestant confessions; but that wherein they all agree, and which they all subscribe with a greater harmony as a perfect rule of their faith and actions—that is, the *Bible*". Definition is the parent of schism; definition is the presumptuous sin. "This presumptuous imposing of the senses of men upon the words of God—the special senses of men upon the general words of God, and laying them upon men's consciences together, under the equal penalty of death and damnation; this vain conceit, that we can speak of the things of God better than in the words of God; thus deifying our own interpretations. and tyrannous enforcing them upon others; this restraining of the Word of God from that latitude and generality, and the understandings of men from that liberty wherein Christ and the Apostles left them, is and hath been the only fountain of all the schisms of the Church, and that which makes them immortal; the common incendiary of Christendom, and that which tears in pieces not the coat, but the bowels and members of Christ. *Ridente Turca nec dolente Judæo.* Take away these walls of separation, and all will quickly be one. Take away this persecuting, burning, cursing, damning of men for not subscribing to the words of men as the words of God; require of Christians only to believe Christ, and to call no man master but Him only; let those leave claiming infallibility that have no title to it, and let them that in their word disclaim it, disclaim it likewise in their actions. In a word, take away tyranny, which is the devil's instrument to support errors and superstitions and impieties in the several parts of the world, which could not otherwise long withstand the power of truth; I say, take away tyranny, and restore Christians to their just and full liberty of captivating their understanding to Scripture only, and as rivers, when they have a free passage, run all to the ocean, so it may well be

hoped, by God's blessing, that universal liberty, thus unrestricted, may quickly reduce Christendom to truth and unity."

The *Religion of Protestants*, written under his own roof, composed after persistent consultation and discussion with him, undoubtedly reflects with accuracy the mind of Falkland not less than that of Chillingworth. But while it is regarded by many in our own day as the highest expression of the finest minds of the seventeenth century, it did not save its author from the most refined cruelty at the hands of the Puritan fanatic into whose power he unfortunately came during his last days on earth. If justification be sought for the course taken by Falkland and Hyde, if it be doubted whether their anticipation of events, should the Puritan party become dominant, was really intelligent, it is sufficient to recall the treatment accorded by Cheynell to the author of the *Religion of Protestants*.

Chillingworth had enlisted with Falkland under the King's banner; with Falkland he was present at the siege of Gloucester, and after his friend's death he joined Sir Ralph Hopton and was present with his forces at the taking of Arundel Castle. At Arundel he fell sick, and when in December, 1643, the castle was retaken by the Parliamentarian forces, he was too ill to be removed with the rest of the prisoners to London and was sent to Chichester. There he was lodged in the Bishop's Palace and was tended with all possible care. Unfortunately, Mr. Francis Cheynell, one of Essex's chaplains and lately appointed Rector of Petworth, discovered in Chillingworth an old antagonist, and his last days were tormented by Cheynell's persistent anxiety to "deal freely and plainly with his soul and make him see the error of his ways". The story of the contest between the lusty Puritan and the dying scholar is told by Cheynell himself in a work which he published shortly after Chillingworth's death.

The title of the book is sufficiently indicative of its contents: *Chillingworthi Novissima; or the Sickness, Heresy, Death and Burial of William Chillingworth (in his own phrase) clerk of Oxford, and in the conceit of his fellow soldiers the Queen's arch-engineer and grand intelligencer . . . a discovery of his errors in a brief catechism and a short oration at the burial of his heretical book.* Chillingworth desired that he might be buried according to the rites of his own Church—a privilege which Cheynell appears to have procured for him. "As devout Stephen was carried to his burial by devout men, so is it just and agreed," writes Cheynell, "that malignants should carry malignants to their grave." But Cheynell was not to be deprived of his opportunity. At the graveside he appeared with "Master Chillingworth's book" in his hand, and delivered a long harangue after which he flung the book into the open grave. "If they please to undertake the burial of his corpse, I shall undertake to bury his errors, which are published in this so much admired yet unworthy book; and happy would it be for the kingdom if this book and all its fellows could be so buried. Get thee gone, thou cursed book, which hast seduced so many precious souls! Get thee gone, thou corrupt rotten book! Earth to earth and dust to dust! Get thee gone into the place of rottenness, that thou mayest rot with thy author, and see corruption."[1]

It is a revolting story, and would be too horrible for credence, but that it is related with high satisfaction by the leading actor. But though revolting it is by no means devoid of instruction. What wonder that the Falklands, in their refinement and tolerance of soul, should have resisted the threatened domination of the coarse-fibred zealots like Cheynell?

[1] Tulloch, i., 303.

Falkland's political action must be explained and justified by his own not infrequent speeches in the Long Parliament. Several of them are happily preserved, and will be printed in this work in full. But this is the proper place to say something of his theological work. With one very important exception it has been hardly dealt with. Mr. Goldwin Smith writes of him: "As a theologian Falkland appears to have been a Chillingworth on a very small scale". Gardiner, in an appreciation which is necessarily summary,[1] obviously inclines to a similar view. While doing full justice to the beauty of his mind and character, he compares him unfavourably with his friends Hales and Chillingworth. Speaking of his religious writing he says: "There is ability without originality. His thought on the subject bears the distinct impress of Chillingworth's mind, in a way which the writings of Hales do not. Yet it would be a great mistake to speak of Falkland's personality as unimportant in the historical development of religious thought. Because he was not himself a cutter of new paths, he was all the more a representative man, and he stands forth as the central figure of a special phase of progress. In his large wisdom, his gentle tolerance, his sweet reasonableness, even in his very impetuosity there was more of nature's daily food than was to be found in men intellectually so superior to him as Chillingworth and Hales."

The implied comparison is an unfair one. Chillingworth and Hales were, so to say, professional theologians; Falkland was an exceptionally gifted and interested amateur. It were idle to pretend that in themselves his writings would entitle him to a high place among the theologians of his time. The claim which is here made for him is of another sort. The *Discourse on Infallibility* taken in conjunction with his

[1] *Ap. D.N.B.*

Reply to Thomas White, and his answer to Montague's *Letter against Protestantism*, at least prove that the young lord of Great Tew, destined to high office under the Crown, called upon to make a momentous choice at a critical time in his country's history was reflecting deeply and earnestly upon the great ecclesiastical and theological problems of the day. Reared in the Calvinist atmosphere of Trinity College, Dublin, exposed at home to the Romanising influence of a mother for whose beauty of character, religious zeal and profound erudition he had the deepest respect, Falkland had held upon his own intellectual course steadfast in the midst of cross currents and tempestuous gusts of controversy. There would have been small cause for surprise had his judgment been overwhelmed in the storm which surrounded his early years; if he had either surrendered in weariness to the persuasions of his mother or abandoned in despair all religious faith. Only one other member of his family resisted the mother's persuasive tongue, and perhaps more persuasive life. His two surviving brothers, as we have seen, became priests, his four sisters took the veil. No effort, of course, was spared to bring Lucius into the fold of the infallible Church, and if his sister's narrative is to have credence, there was a period when the efforts were not far short of success. The following passage is not a model of lucidity, but its general tenor is sufficiently plain: "They (*i.e.*, his sisters) could not but see in general (besides many particulars) that either the Protestants said the same as the Catholics, taking their part entirely against their own side—as their eldest brother then did who was so wholly a Catholic in opinion then, that he would affirm he knew nothing but what the Church told him; pretending for his being none, that though this seemed to him to be thus—and that he always disputed in the defence of it—yet he would not take upon him to resolve

anything so determinately as to change his profession upon it till he was forty years old; but he did not live to see four-and-thirty; yet this good inclination towards religion he had for some years, and had received from the conversation of his mother and the company he met at her house, having before believed but little, and he continued in the same mind till a little after, when meeting a book of Socinus, it opened to him a new way, as also Mr. Chillingworth."[1] How far it is a fact that Lucius Cary was at any time "wholly a Catholic in opinion" (in the Roman sense) it is of course impossible to say. But it may be surmised from this passage, had we no other evidence, that he was rather acting the part of a dutiful and affectionate son in putting aside as gently as possible the importunities of a zealous mother. There is, on the other hand, no independent testimony in favour of the suggestion here made. It will be noticed that this interesting extract obviously reflects the view of the family that Lucius's deflection from the straight doctrinal path was due to his meeting with a book of Socinus and to the malignant influence of Chillingworth. Gardiner[2] has explained that the charge of Socinianism preferred against Falkland and his associates amounted to little more than an assertion that he persisted in applying "reason to questions of revelation". In this sense the charge is true. Falkland was determined to apply reason to questions of theology and of ecclesiastical organisation. But he entered on his task with no levity of mind or captiousness of spirit. Clarendon cannot be suspected of leanings towards Socinianism of any sort, but he declares that Falkland's "two large discourses against the principal position of that religion" (Roman Catholicism) were written "with that sharpness of style and full weight of reason that the Church is deprived of great jewels in the concealment of

[1] *Lady Falkland's Life*, pp. 55, 56. [2] *Op. cit., sup.*

them". The loss to the Church was averted by the faithful Triplet who in 1651 edited the discourse entitled *Of the Infallibilitie of the Church of Rome*, together with an answer to it, and Falkland's lengthy and elaborate *Reply* to the answer. He set out, as Triplet says, "in search of that, which he would have as gladly found, as he hath rationally rejected, an *Infallible Judge* here on earth, in all our controversies in point of religion of which the labouring world seemeth at present to stand in so much need".[1] To the acceptance of the doctrine of infallibility, two things, as Falkland urges, are essential: First, the infallibility must be *proved*. "If the Church be the one infallible determination, and that can never be believed upon its own authority, we can never infallibly know that the Church is infallible, for these other ways of proof may deceive both them and us, and so neither side is bound to believe them. If they say that an argument out of Scripture is sufficient ground of Divine Faith, why are they offended with the Protestants for believing every part of their religion upon that ground, upon which they build all theirs at once. And if, following the same Rule, with equal desire of finding the truth by it, why should God be more offended with the one than with the other, though they chance to err." Secondly, this infallibility must be plainly manifested by God to reside in the infallible Church, and that Church itself must be clearly indicated as the sole repository of truth. Otherwise man is mocked. "Unless it be manifest which is the Church, God hath not attained his end; and it were to set a ladder to Heaven, and seem to have a great care of my going up, whereas unless there be care taken that I may know this ladder is here to that purpose, it were as good for me it never had been set." Thus, to use Dr. Tulloch's helpful phrase, the infallibility must be not merely proved but "located". But further,

[1] Ed. 1651, p. 2.

assuming both these difficulties to be overcome, to what purpose are all these pains? After all, reason must ultimately decide, even if the decrees of the Councils speak with one voice. "For the sense of their decrees, I can have no better expounder than reason, which if (though I mistake) I shall not be damned for following, why shall I for mistaking the sense of the Scripture? or why am I a less fit Interpreter of the one, than of the other? and when both seem equally clear, and yet contradictory, shall I not as soon believe Scripture which is without doubt of as great antiquity?" It would be tedious to follow in further detail an argument which has now become conventional; but the author thus summarises it with admirable lucidity in his concluding paragraph :—

"To conclude, if they can prove that the Scripture may be a certainer teacher of truth to them than to us, so that they may conclude the infallibility of the Church out of it, and we nothing; if they can prove the Churches infallibility to be a sufficient guide for him, that doubts which is the Church, and cannot examine that (for want of learning) by her chief marke, which is conformity with the ancients; if they can prove, that the consent of Fathers long together is a stronger argument against us, then against the Dominicans; if they can prove (though it be affirmed by the first of them, that such a thing is Tradition, and believed by all Christians, and this assertion till a great while after, uncontradicted) yet they are not bound to receive it, and upon lesse grounds we are; if indeed any can prove by any infallible way, the infallibility of the Church of Rome, and the necessity under pain of damnation for all men to believe it . . . I will subscribe to it."

Finally, he concludes with a noble and pathetic appeal that if he be wrong he may be confuted, "not standing upon any small slip," but upon the merits of the argument,

and in a reasonable temper "remembering that Truth in likelyhood is where her author God was, in the *still voice*, and not the *loud wind*". If only his opponent will help to bring him to the Truth "not only by his arguments but also by his prayers"; then, if he fail, "I am confident that he will neither have reason to be offended with me in this world nor God (for that) punish me in the next".[1] This passage is at once eminently characteristic of Falkland's controversial methods, and at the same time truly representative of his innermost convictions. "Truth in likelyhood is where her author God was, in the *still voice*, and not the loud wind." A belief may after all be passionately held even though it be courteously maintained. Such a belief, such a method, was Falkland's.

Of even more immediate and practical significance is the strong line which he takes up in favour of the right and duty of rational inquiry, and in condemnation of the practice of persecution in the name of religion. "I am sure the Christian religion's chiefest glory is, that it increaseth by being persecuted; and having that advantage of the Mohammedan, methinks it should be to take ill care of Christianity to hold it up by Turkish means—at least, it must breed doubts, that if the religion had always remained the same, it would not now be defended by ways so contrary to those by which at first it was propagated. I desire recrimination may not be used; for though it be true that Calvin had done it, and the Church of England a little (which is a little too much) yet she, (confessing she may err) is not so chargeable with any fault as those which pretend they cannot, and so will be sure never to mend it." Thus, as Tulloch finely says: "His plea against infallibility is in reality a plea in favour of freedom of religious opinion in a sense which neither Prelatist nor Puritan

[1] *Of the Infallibilitie*, fin.

in the seventeenth century understood. It seemed to him then as it has seemed to many since possible to make room within the national Church for wide differences of dogmatic opinion, or in other words, for the free rights of the Christian reason incessantly pursuing its inquest after truth and moulding the national consciousness to higher conceptions of religious thought and duty. The frame of the Church of England was admirably suited for such a purpose as linking together in its Catholic order the Christian ages and being in itself both apostolic and rational. He would have reformed and purified it as the flexible and appropriate vehicle of the nation's religious progress." This was the conservative side of his thought, where he separated entirely from the "root and branch" men, on the principle succinctly expressed by him that "where it is not necessary to change, it is necessary not to change".

It is difficult to withstand the temptation of lingering over the literary work of Falkland and his friends, for it is associated with the period of his life which was one of unclouded happiness. A rapid change was soon to pass over the scene. Already the clouds were coming up on the horizon, already the peaceful days at Great Tew were numbered. The *Convivium* was soon to be broken up by the rude shock of war; the theories of the philosopher were soon to be put to the test in the hard school of political experience. Falkland shrank from no responsibility, intellectual, military or political. At the call of duty he gave up promptly, though with heavy heart, the life of learned leisure so dear to himself, so profitable to his friends, and he bade good-bye to his peaceful home, and to the studies he had pursued with such lofty purpose and such untiring zeal. Reluctantly we turn our backs upon the "violets and limes" of Tew, and plunge into the political vortex in which Falkland was henceforth to be involved.

THE GARDENS AT GREAT TEW

BOOK III

CHAPTER I

THE GATHERING STORM

IN the late summer of 1637 the news reached London that serious riots had broken out in Edinburgh. It was the first intimation to the English people that anything was amiss to the north of the border. "The truth is," says Clarendon, "there was so little curiosity either in the Court or the country to know anything of Scotland or what was done there, that when the whole nation was solicitous to know what passed weekly in Germany and Poland and all other parts of Europe, no man ever inquired what was doing in Scotland, nor had that kingdom a place or mention in one page of any gazette, so little the world heard or thought of that people; and even after the advertisement of this preamble to rebellion, no mention was made of it at the Council board." [1] He attributes this ignorance, the depth of which he probably exaggerates, to the King's jealousy for the independence of his northern kingdom. Be this as it may, the ignorance was soon to be dissipated, for the Scotch revolt was in grim earnest destined to prove a "preamble to rebellion".

For nearly ten years the storm had been slowly gathering. During the first three years of Charles I.'s reign the

[1] *Hist.*, i., 180.

opposition leaders had striven hard to deceive themselves into the belief that the real offender was not Charles, but the incompetent favourite, George Villiers, Duke of Buckingham. The King insisted on assuming responsibility, and after Buckingham's murder in 1628 the pleasing constitutional fiction could no longer be maintained. Discontent culminated in the parliamentary session of 1628, and on 2nd March, 1629, the doors at Westminster closed upon members, not to be reopened until 1640. Meanwhile, the King had gained a powerful recruit. Full justice has never yet been done to the greatness of Thomas Wentworth, Earl of Strafford, though Gardiner has vindicated his memory from the more puerile of the charges preferred against him by Macaulay and his school. From 1629 to 1640 Wentworth was by far the ablest adviser upon whom the King could rely, but it is a mistake to suppose that his influence was paramount. Apart from the fact that he was, throughout the whole period, immersed in his own local administrative work—first in Yorkshire and from 1633 in Ireland—there is no evidence to show that he ever possessed the confidence of the King in the same sense or to the same extent as Archbishop Laud. The historical pendulum is always swinging, but rarely has it swung so completely as in the case of William Laud. Well might he have exclaimed with Strafford :—

> Wherefore not feel sure
> That Time who in the twilight comes to mend
> All the fantastic day's caprice, consign
> To the low ground once more the ignoble term
> And raise the genius on his orb again—
> That time will do me right.[1]

The generation which sat at the feet of Macaulay learnt from his youthful omniscience that Laud was "a ridiculous

[1] Browning, *Strafford.*

old bigot". Many hold that Laud was mistaken as to his ends and singularly misguided as to his means; but no educated person now regards him as ridiculous, and if he was bigoted it was a quality in which the Anglicans in the seventeenth century had no monopoly. "Laud," in the opinion of Dr. Mozley, "saved the English Church." Mr. Gladstone in his *Academic Sketch*[1] went out of his way to pay an almost unique tribute to his memory. "His scheme of Church polity, for his it largely was . . . still subsists in all its essential features not as personal or party opinion, but as embodied alike in statute or in usage, with no apparent likelihood of disappearance or decay." As to his wisdom men will continue to differ profoundly to the end of time, but most candid critics will admit his personal integrity and his single-minded aims. Even the Puritan May allows that "he had few vulgar and private vices . . . in a word a man not altogether so bad (in his personal character) as unfit for the State of England". Laud was in truth an idealist, and James I. had long ago perceived the fact. "He hath a restless spirit," he wrote to Villiers, "which cannot see when things are well but loves to toss and change and to bring matters to a pitch of reformation floating in his own brain." No one judged Laud more truly than the shrewd old Scot. But it is more to the purpose in our present connection to recall the fact, too often ignored, that this man of "narrow understanding," of a "nature, rash and irritable," this "ridiculous bigot" was, in Mr. Gladstone's words, "the first Primate of all England for many generations who proved himself by his acts to be a tolerant theologian. He was the patron not only of the saintly and heroic Bedell, but on the one hand of Chillingworth and Hales; on the other of Ussher, Hall and Davenant, groups of names sharply

[1] Romanes Lecture, 1892.

severed in opinion, but unitedly known in the history of ability and learning." No one, however, can deny, be he Laudian or Puritan, that Laud, more than any other single man, was responsible for the most unpopular features of the rule of "thorough" and for that "preamble to rebellion" of which we have already read. Hence the concentrated bitterness with which "little Canterbury" was assailed when in 1640 the storm finally burst.

The clouds had long been threatening. Clarendon may be right in the assertion that the country during these years enjoyed "the greatest calm and fullest measure of felicity"; but the country seems to have been singularly obtuse in the recognition of its happiness. Parliament may have been fading into a distant and unregretted memory, but the hand of the executive was a heavy and insistent reality. The administration of justice was at once irregular and oppressive. On every side the "Prerogative" courts were straining to the uttermost their jurisdiction: the Court of the Marches; the Council of the North; the Stannary Courts in the far West; the Court of High Commission which "grew to such an excess of sharpness and severity as was not much less than the Romish Inquisition";[1] above all the famous Court of the Star Chamber. The Star Chamber in the sixteenth century had been the highly esteemed and appropriate appendage of a truly popular Dictatorship; it had now degenerated into the oppressive instrument of an unpopular despotism. "The Court of Star Chamber hath abounded in extravagant censure . . . whereby his Majesty's subjects have been oppressed by grievous fines, imprisonments, stigmatisings, mutilations, whippings, pillories, gags, etc."[2] Clarendon is not less emphatic in his condemnation than the *Grand Remonstrance*: "holding for honourable that

[1] *Grand Remonstrance.* [2] *Ibid.*

which pleased and for just that which profited. . . . Those foundations of right by which men valued their security were to the apprehension and understanding of wise men never more in danger to be destroyed." How far these apprehensions were consistent with the "fullest measure of felicity" it is not for an admirer of Clarendon to inquire.

The ordinary methods of taxation were, in view of the supersession of Parliament, necessarily suspended. But money had to be raised to carry on the King's Government, and it was obtained by recourse to a variety of expedients. Monopolies were granted, contrary to statute, in some common articles of daily use, such as soap, salt and wine; duties were imposed upon merchandise "some so unreasonable that the sum of the charge exceeds the value of the goods"; obsolete feudal obligations—such as distraint of knighthood—were revived; the claims of the Crown to royal forests were asserted in the most extravagant way: in the Forest of Dean alone seventeen villages had sprung up and were now compelled to ransom their property and to come under the jurisdiction of the forest law; profits were made from the sale of great offices of State, and a paltry fraud was practised upon the counties by the exaction of "coat and conduct" money. In these and other ways the necessities of the King were partially supplied. But of all the devices to which a hard-pressed treasury found it convenient to resort, none aroused so much popular clamour or evoked such conspicuous resistance as the collection of ship-money. On 20th October, 1634, writs were issued to London and the other seaports bidding them deliver their quota of ships and men "to the Port of Portsmouth before the first day of March next ensuing". The avowed reasons for the levy are contained in the writ. "Because we are given to understand that certain thieves, pirates and robbers of the sea as well Turks, enemies of the Christian name, as others,

have spoiled and molested the shipping and merchandise of our own subjects and those of friendly powers." Further it refers to "the dangers which on every side in these times of war do hang over our heads". About a year later similar writs were addressed to the inland counties. The first writ merely revived an ancient custom which had been enforced without protest so lately as 1626. As to the second, there is much doubt, but the judges gave a strong opinion in favour of its legality. "Your Majesty may . . . command all your subjects of this your kingdom at their charge to provide and furnish such a number of ships, etc. . . . for the defence and safeguard of the kingdom . . . and by law your Majesty may compel the doing thereof in case of refusal or refractoriness, and we are also of opinion that in such a case your Majesty is the sole judge both of the danger, and when and how the same is to be prevented and avoided." London protested, but unavailingly, against the charge; individuals, like Lord Say and Sele in Oxford and John Hampden in Buckinghamshire did the same. The name of Lord Falkland appears in the list of defaulters in respect of his Hertfordshire estates; but Gardiner concludes that "he had no deliberate intention to oppose the Court," basing his opinion partly upon the fact that he appears to have paid ship-money without protest in Oxfordshire; partly on the eagerness which he showed to serve the King against the Scots; and partly on the lines in his elegy on Ben Jonson where he "went out of his way to compliment the King on his claim to the sovereignty of the seas".

> How mighty Charles, amidst that weighty care,
> In which three kingdoms as their blessing share,
> Whom as it tends with ever watchfull eyes
> That neither power may force, nor art surprise
> So bounded by no shore, graspes all the maine
> And farre as Neptune claimes, extends his reigne.

I must confess that in view of the very strong line which

in the Long Parliament Falkland subsequently took against Lord Keeper Finch, in view also of his unequivocal attitude on the ship-money question, the grounds upon which Gardiner arrives at his conclusion seem to me strangely inadequate. Falkland may not have felt so strongly on the matter in 1635 as he obviously did in 1641; but is there any sufficient ground for the assumption that his omission to pay his quota was accidental? A man might very well commend the King's determination to assert English supremacy upon the high seas without approving the questionable means by which he sought to attain an entirely meritorious end. Nor can Falkland's anxiety to obtain the command of a troop of horse in the Scotch war be accepted as conclusive evidence that he approved the object of the war. Falkland was always ambitious of military service. His chagrin at being deprived of his command in Ireland, his anxiety to see service in the Low Countries have been already noted; his impetuous courage in battle led, as we shall see, to his death in Newbury fight.

But whatever be the truth as to Falkland's attitude in regard to the collection of ship-money, there can be little question as to the general unpopularity of the impost and still less as to the dismay caused by the judicial decision in its favour. In the famous test case Hampden's counsel relied primarily on "a multitude of records, beginning with one in King John's time and so downwards" to prove the illegality of taxation without consent; and while admitting that "in this business of defence the *suprema potestas* is inherent in his Majesty, as part of his Crown and Kingly dignity," they contended that such *potestas* must under ordinary circumstances be exercised in and through Parliament. In a sudden emergency the King no doubt might and must act on behalf of the nation; but in what sense could emergency be pleaded in 1635? To all men it was

notorious that ship-money was merely one in a series of devices to enable the King to raise money without the disagreeable necessity of summoning Parliament. The judgment in the King's favour was based upon the most extravagant interpretation of the doctrine of *Prerogative*. "I have gone already very high," said Sir Robert Berkeley, in his judgment, "I shall go yet to a higher contemplation of the fundamental policy of our laws: which is this that the King of mere right ought to have, and the people of mere duty are bound to yield unto the King supply for the defence of the kingdom". It has been the fashion to assume that judgment in favour of the Crown was due to mere servility on the part of the judges. This may or may not be true. On the other hand, the judgment may have been perfectly good in law. These matters are too high for the layman. What is certain is, that whether good or bad in law, the judgment was in its political effects infinitely mischievous. Clarendon not merely admits but insists upon this. "I cannot but take the liberty to say that the circumstances and proceedings in those new extraordinary cases, stratagems and impositions were very unpolitic, and even destructive to the services intended." People are much more roused "by injustice than by violence". Men who paid their quota more or less willingly were terrified by the grounds on which the judgment was based. It was "logic that left no man anything which he might call his own". "Undoubtedly," he adds, "my Lord Finch's speech . . . made ship-money much more abhorred and formidable than all the commitments by the Council-table and all the distresses taken by the sheriffs in England. . . . Many sober men who have been clearly satisfied with the conveniency, necessity and justice of many sentences, depart notwithstanding extremely offended and scandalised with the grounds, reasons and expressions of those who inflicted those censures."

That there was a growing sense of uneasiness in the nation at large is clear not only from the testimony of Clarendon. That the ship-money agitation contributed largely to it is equally certain. But all other causes fade into insignificance as compared with the ecclesiastical policy of Archbishop Laud. I have already attempted to vindicate the greatness of his intellect, and the purity of his aims. None the less is it necessary to emphasise the mischievous results of his policy. A "man unfit for the State of England," is the judgment of the Puritan May. Even Clarendon admits that he was no statesman. "He did court persons too little, nor cared to make his designs and purposes appear as candid as they were, by showing them in any other dress than their own natural beauty and roughness; and did not consider enough what men said or were like to say." His objects were partly disciplinary, partly doctrinal. On the one hand a "restoration of Church ceremonial and external worship"; on the other, "a doctrinal clearance; the subjugation of the Calvinistic spirit in the reformed Church of England".[1] The task was difficult enough in England; in Scotland it was hopeless.

It had always been one of the objects dearest to the heart of Charles I. to bring the Scotch Church into complete conformity with that of England. His ambition was warmly seconded if not inspired by the Archbishop. On the part of Laud some ignorance as to Scotland might be excused: on the part of the King it was inexcusable. Charles must have known that the Scots were not only devoted on doctrinal grounds to the Presbyterian system, but that they clung passionately to their own Church organisation as a symbol of national independence. In 1633 the King, accompanied by the Archbishop, made a magnificent progress into his north-

[1] Mozley, *Laud.*

ern kingdom. Then and there were sown the seeds destined to produce such a terrible harvest later on. What chiefly struck the King in Scotland was "the want of a Book of Common Prayer and uniform service to be kept in all the Churches, . . . and the want of canons for the uniformity of the same". He determined with the aid of the Scotch bishops to supply these deficiencies, and in 1637 a new book of canons and a revised liturgy were published. The Scotch people desired neither reform of liturgy nor of discipline, least of all did they desire it at the hands of England. They had not thrown off the yoke of Rome to exchange it for the yoke of Canterbury. The new liturgy was appointed to be read for the first time on Sunday, 23rd July, 1637. The attempt to read it was the signal for the outbreak of a riot in St. Giles' Cathedral—a riot which was in very truth "the preamble to revolution". The Scotch bishops with difficulty escaped with their lives, and "the whole nation, with slight exceptions, bristled into resistance".[1] The motives of resistance were in part religious, in part political; an attack upon the Presbyterian system from any quarter was hateful, from England it was intolerable. The attempt to force Anglican uniformity upon Scotland practically dissolved the King's authority north of the Tweed. A provisional Government was set up in Edinburgh; and on 27th February, 1638, the Scottish National Covenant "for the maintenance of the true religion and the King's person" was drawn up and very largely subscribed. The Scotch nation was practically unanimous in defence of the Established Church and national independence. The King now appointed the Marquis of Hamilton as High Commissioner and prepared to announce considerable concessions. The Covenanters regarded the concessions as inadequate: the King must not

[1] Gardiner.

merely withdraw the new liturgy, but condemn it and acknowledge the justice of the protest against it. Meanwhile, Hamilton summoned a General Assembly to meet at Glasgow. It met on 21st November, and after a week's wrangling was formally dissolved. The act of dissolution was, however, disregarded: the Assembly quietly continued its business. Every Act concerning the Church passed since 1580 was abrogated; episcopacy was abolished; and a vindication of their proceedings was ordered to be sent "to all the sincere and good Christians" in England. War now became inevitable. "I have missed my end," wrote Hamilton, "in not being able to make your Majesty so considerable a party as will be able to curb the insolency of this rebellious nation without assistance from England."

What were the probabilities that such assistance would be forthcoming? Three months ago Wentworth had written to advise the King to make no further concessions to his Scotch subjects: but not to plunge precipitately into war. Garrison Berwick, Carlisle and the North of England strongly and at once: train the garrisons under good captains; if the Scots show signs of submission treat them with all possible leniency and encouragement; if not, make your preparations for effective coercion. Such was the advice of Wentworth; but Wentworth had been for years in Ireland and was not likely to have learnt from his correspondence with Laud the strength or volume of the gathering discontent in England. Is money wanted for a Scotch war? "In good faith every man will give it I hope from his children upon such an extremity as this, when no less verily than all we have comes thus to the stake. In a word, we are, God be praised, rich and able, and in this case it may justly be said, *salus populi suprema lex*, and the King must not want our substance for the preservation of

the whole."[1] Wentworth, it is clear, was quite deceived as to the prevailing temper in England. Events now moved rapidly. In January, 1639, the English nobles were summoned to appear in person, with their due quota of followers, for the defence of the borders. The Earl of Arundel was appointed Commander in Chief, and Lord Holland General of the Horse, with Lord Essex as second in command. Clarendon deplores the snub to Essex, "the most popular man in the kingdom, and the darling of the swordmen"; but Holland was a favourite of the Queen, and in war as in politics petticoat influence was becoming supreme. On 14th February the Covenanters published a manifesto appealing from the King to the English people. A fortnight later the King's reply was published, and was appointed to be read in every parish church throughout the land.[2]

It was this proclamation which called Falkland forth from his retirement at Tew. Whether the summons addressed to the English nobility would technically extend to a Scotch peer, residing in England, is not clear. But Falkland stood upon no technicalities. He applied for the command of a troop of horse, and, according to Clarendon, received a promise that he should get it. If so, the promise was not fulfilled, and Falkland "went a volunteer with the Earl of Essex". His choice of a leader is significant; not the Catholic Arundel, nor the courtier Holland, but the chivalrous and liberal-minded Essex. For a war which was caused by the interference of "churchmen of the greatest power in England" Falkland can have had little enthusiasm, but his sense of personal loyalty was strong and his military ardour was as yet undimmed by the hideous spectacle of a fratricidal war.

Thus the *Convivium* at Tew was finally broken up. The feelings inspired among the members of the coterie by

[1] Strafford, *Letters*, ii., 189. [2] Rushworth, ii., 798.

the withdrawal of their host are finely expressed in Waller's well-known lines:—

> Brave Holland lands, and with him Falkland goes.
> Who hears this told, and does not straight suppose
> We send the Graces and the Muses forth
> To civilize and to instruct the North?
> Not that these ornaments make swords less sharp,—
> Apollo bears as well his bow as harp;
> And though he be the patron of that spring
> Where in calm peace the sacred virgins sing,
> He courage had to guard th' invaded throne
> Of Jove, and cast th' ambitious giants down.
> Ah! noble friend! with what impatience all
> That know thy worth, and know how prodigal
> Of thy great soul thou art (longing to twist
> Bays with that ivy which so early kiss'd
> Thy youthful temples), with what horror we
> Think on the blind events of war and thee!
> To fate exposing that all-knowing breast
> Among the throng as cheaply as the rest;
> Where oaks and brambles (if the copse be burn'd)
> Confounded lie, to the same ashes turn'd.

A considerable amount of licence is required for a poet who can describe the objects of the expedition as an attempt "to civilize and to instruct the North," but the lines testify to Falkland's proverbial passion for military distinction, and the note of personal grief is unmistakable.

Even more remarkable, perhaps, is the poem of Abraham Cowley, who was not, so far as we know, an intimate friend of Falkland's. His verses show, as Tulloch justly remarks, "the extraordinary impression which Falkland's character and abilities had made upon the more intellectual men of his time".

> Great is thy charge, O North; be wise and just;
> England commits her Falkland to thy trust,
> Return him safe: learning would rather choose
> Her Bodley or her Vatican to lose.
> All things that are but writ or printed there,
> In his unbounded breast engraven are;

There all the sciences together meet,
And every art does all his kindred greet,
Yet justle not, nor quarrel; but as well
Agree as in some common principle.
. . . . . .
And this great prince of knowledge is by Fate
Thrust into th' noise and business of the State.
All virtues, and some customs of the court,
Other men's labour, are at least his sport;
While we, who can no action undertake,
Whom Idleness itself might learned make,—
Who hear of nothing, and as yet scarce know
Whether the Scots in England be or no,—
Pace dully on, oft tire, and often stay,
Yet see his nimble Pegasus fly away.
'Tis Nature's fault, who did thus partial grow,
And her estate of wit on one bestow,
Whilst we, like younger brothers, got at best
But a small stock, and must work out the rest.
How could he answer't, should the State think fit
To question a monopoly of wit?
Such is the man whom we require, the same
We lent the North; untouch'd as is his frame,
He is too good for war, and ought to be
As far from danger as from fear he's free.
Those men alone (and those are useful too),
Whose valour is the only art they know,
Were for sad war and bloody battle born;
Let them the State defend, and He adorn.

Henceforward, Falkland was indeed "thrust into the noise and business of the State"; from now until his death on Newbury field his life is part of the history of the time.

The so-called "Bishops' Wars" were entirely barren in personal distinction to any one concerned, and not less barren, from the King's point of view, in political results. What part was played in them by "the volunteer with Essex" we have no means of knowing. That he would behave with gallantry is certain; that he could derive any satisfaction from them is impossible. Neither among the English nobles, nor among the English people was there

any enthusiasm for the *Bellum Episcopale*. "To my understanding we are altogether in as ill a posture to invade others or to defend others as we were a twelvemonth since, which is more than any man can imagine that is not an eye witness of it. The discontents here at home do rather increase than lessen. . . . I fear the ways we run will not prevent the mischief that threatens us." So wrote Northumberland to Wentworth. Thomas May probably reflects with accuracy the prevailing temper among the people: "Never were the people of England so averse from any war, as neither hating the enemy against whom, nor approving the cause for which, they were engaged. Their own great sufferings made them easily believe that the Scots were innocent, and wronged by the same hand by which themselves had been oppressed. And for the cause, it was such wherein they could not desire a victory; as they naturally supposed that the same sword which subdued the Scots must destroy their own liberties, and that the contrivers of this war were equal enemies to both nations."[1] The King was entirely deceived alike as to the strength of the Scotch feeling and as to their powers of resistance.

Strafford was deceived on neither point. News had reached him that guns were being landed from Sweden at Leith. "Believe it," he wrote to Windebank, "they fly high." They did; and their preparations for resistance were on a scale with their ambition. They raised an army of more than 20,000 men, well found and well disciplined, many of them seasoned veterans who had seen service in Germany, and placed it under the command of Alexander Leslie.

The King was at the head of an army slightly superior in numbers to the Scots, but in all else inferior. Badly led, ill-armed, ill-fed, undisciplined, and, worst of all, entirely lacking in enthusiasm for the cause in which they were to fight, the English troops would have had small chance

[1] *Hist. of Long Parliament*, p. 46 (ed. 1854).

against the Scotch. But the issue was never actually joined. Leslie took up his position on Duns Law—a hill which commanded all the roads from Berwick into Scotland: the King faced him on the Tweed. That the Covenanters could have swept the English peasants before them is hardly doubtful, but Leslie was as wise as he was brave. An invasion of England might have brought military glory to the Scots, but it would almost infallibly have converted half-friendly opponents into determined foes. Negotiations were opened between the two camps; a peace was patched up at Berwick (18th June, 1639), and the first Bishops' War was at end.

The pacification of Berwick proved to be a hollow truce. "Nobody," as Clarendon pithily observes, "meant what others believed he did." The English army was disbanded, its leaders were dismissed with scant courtesy, and in August Charles was back in London. The first thing he did was to order the Scotch report of the negotiations at Berwick to be burnt by the common hangman. The second was to summon Wentworth to his aid. Wentworth reached England in September, and for the next fourteen months he was in every sense first minister of the Crown. In January, 1640, he received the long deferred mark of royal favour, being created Earl of Strafford.

Strafford, like Bacon, was a thorough believer in Parliament as an instrument of Government in the hands of a strong ruler. He had bent Parliament to his will in Dublin; might he not succeed in doing the same at Westminster? Scotland had still to be subdued; and subdued it could not be, as Strafford was statesman enough to perceive, unless by some means the King could enlist against it the national sentiment and the material resources of England and Ireland. With Ireland there was not much difficulty. In March, 1640, Strafford was over in Dublin and easily secured from the Catholic majority in Parliament four subsidies for

the suppression of the Presbyterian heresy in Scotland. A month later he was back in London to take his place in the Parliament which had been called on his advice.

On 13th April, 1640, the Short Parliament met; the experiment of "Personal Rule," protracted for eleven weary years, was a confessed failure; the system of "thorough" had broken down. The King was sanguine enough to suppose that Parliament would resent the Scotch "presumption in their thought of invading England," and "would express a very sharp sense of their insolence and carriage towards the King and provide remedies proportionable". Not that the King desired the counsel of Parliament; they were expressly told by the Lord Keeper that he did not; still less were they required "to interpose in any office of mediation". What the King wanted was that they should with all convenient speed "give his Majesty such a supply as he might provide for the vindication of his honour. If they would vote supplies promptly they should have time enough afterwards to represent any grievances to him."

Many men of distinction entered Parliament for the first time in 1640. Among them was Lord Falkland who as a Scotch peer was eligible (before 1707) for a seat in the House of Commons, and found one at Newport, Isle of Wight. Even the capital of "the island" could hardly expect in the era of Reform to escape political disfranchisement; so Newport lost one of its two members in the "redistribution" of 1867, and finally ceased to be separately represented in 1885. Let it, therefore, be recorded that there is no constituency in the United Kingdom which showed greater discrimination in the choice of representatives; or, as perhaps it should be put, was more intelligently provided for by its patron. For Newport had the honour of returning to the House of Commons no less than five First Ministers of the Crown—General (afterwards first Earl) Stanhope; Sir Arthur Wellesley (Duke of Wellington) and Lord Palmerston, who

were colleagues both in the representation of Newport and in Lord Liverpool's Government; George Canning; and William Lamb (afterwards Viscount Melbourne), who succeeded to Canning's seat when the latter transferred his services to Seaford on accepting the Premiership in 1827. Newport also numbered among its representatives two distinguished soldiers of the Spanish Succession War: General Webb—a prominent figure in *Esmond*—and the "Salamander" Lord Cutts; William Fortescue, Master of the Rolls; Twiss, the biographer of Lord Eldon, and many others known to fame. But among all these eminent men there is none to whom Newport can make so exclusive a proprietary claim as to Lord Falkland. He alone among them never obtained or sought the suffrages of any other constituency. Most of the members returned in 1640 were, like Falkland, new to Parliamentary life, and at their first meeting there was not unnatural embarrassment and hesitation. Then it was, "whilst men gazed upon each other looking who should begin," that John Pym literally leapt into the leadership.

By birth a west-country squire, educated at Oxford, trained as a lawyer, Pym might now claim leadership not merely in virtue of intellect and character, but by length of Parliamentary experience. He had sat in the two last Parliaments of James I., and had distinguished himself by the vehemence of his views in regard to the enforcement of the laws against the Roman Catholics. He was one of the managers of the impeachment of Buckingham in 1626, and two years later took a leading part in the debates on the Petition of Right. On the dissolution of the third Parliament in 1629 Pym went into retirement and emerged only to appear in that of 1640. The temper of the new House, resolute but moderate, was admirably reflected in the great speech in which Pym unfolded his impeachment of the Government. The speech was of unprecedented length

("a set discourse of about two hours"), and "very plain," but the House listened and approved. Towards the King personally Pym's tone was one "of profound reverence," but by the "long intromission of Parliaments many unwarrantable things had been practised, notwithstanding the great virtues of his Majesty". That was the point on which Pym throughout laid stress. The list of specific grievances was long, but the root of the matter lay in the "intromission of Parliaments". "The powers of Parliament," he declared, "are to the body politic as the rational faculties of the soul to a man." It was almost an echo of Eliot's language in 1624, and it struck the keynote of much that was to come. But the King wanted not debate but supply. While the Commons talked, Convocation voted. On 22nd April, at Laud's bidding, the clergy granted six subsidies. The Commons still dallied, and on the 23rd resolved that the redress of grievances must have precedence. "Till the liberties of the House and kingdom were known they knew not whether they had anything to give or no." Strafford urged frank concession; Vane wanted to strike a bargain. If the House would grant twelve subsidies, the claim to ship-money should be unreservedly abandoned. Never did Strafford show greater wisdom. The House would not be bullied; it might still be led. Vane threatened: "twelve subsidies or nothing". The need was undoubtedly pressing; despatches from Scotland announced a renewal of the war. The Commons were unmoved. Vane told the King they would not "give one penny"; and on 5th May the Short Parliament was dissolved.

Who was responsible for the fiasco? Clarendon, writing in the light of subsequent events, throws the blame on the Secretary of State, the elder Vane, who "acted that part maliciously and to bring all into confusion . . . being known to have an implacable hatred against the Earl of Strafford . . . whose destruction was then upon the anvil".

Gardiner, while declaring that Clarendon's account of this session is "nearly worthless," offers no alternative explanation except that dissolution was unavoidable. Whitelocke attributes it—apparently without any authority—to Laud. All good men deplored the breach: "there could not a greater damp have seized upon the spirits of the whole nation than this dissolution caused".[1] The more violent rejoiced. "All is well," said St. John, "it must be worse before it is better." The King was dismayed at his own handiwork. "He was heartily sorry for what he had done and denied having given such authority" to Vane. He even had thoughts, if Clarendon may be trusted, of recalling Parliament by proclamation. Such procedure was, of course, impossible; the die was cast.

Falkland had been a silent but, as we learn from his colleague, a deeply interested spectator of these events. The effect produced upon his mind was highly favourable to Parliament and far otherwise to the Court. "From the debates which were then managed with all imaginable gravity and sobriety, he contracted such a reverence to Parliaments, that he thought it really impossible they could ever produce mischief or inconvenience to the kingdom; or that the kingdom could be tolerably happy in the intermission of them. And from the unhappy and unseasonable dissolution of that convention, he harboured, it may be, some jealousy and prejudice to the Court, towards which he was not before immoderately inclined."[2]

There were other good men besides Falkland who from these events contracted some prejudice against the Court. But in May, 1640, Charles might still have saved the situation. Strafford, if given a free hand, might have saved it for him. In November, the Crown, discredited by a second

[1] Clarendon. [2] Clarendon, vii., 230.

military failure, was compelled to confront a Parliament not unjustly incensed and not unreasonably suspicious.

The events which filled the interval must be briefly told.

After the dissolution of Parliament, Convocation, with questionable legality and still more questionable wisdom, continued to sit, and passed a series of canons binding on clergy and laity alike.[1] Desperate efforts were made to raise money; ship-money, coat and conduct money, forced loans —all the familiar expedients were tried. The Genoese bankers would not lend without the security of the city; the Pope would find funds but only on the impossible condition that Charles would declare himself a papist. Little money was actually raised except from the clergy and from the Roman Catholic laity at home. Riots broke out in London; the apprentices turned out in crowds: the life of Laud was threatened. Meanwhile, by hook or by crook, an army must be raised to resist the Scotch invasion. Northumberland and Conway were appointed to the chief commands; Essex was again passed over, though "he might easily have been caressed". The troops raised by the press-gang were from the first sullen and averse to the war. Some turned upon their officers and murdered them; many deserted; all became a terror to the country through which they marched. "The arch-knaves of the country": so they were described by Sir Jacob Astley. "We are daily assaulted by sometimes 500 of them together," wrote Colonel Lunsford, "and have hurt and killed some in our own defence." Such an ill-disciplined rabble was not likely to oppose successfully the invasion of the Covenanters. On 20th August the Scots, 25,000 strong, crossed the Tweed at

[1] Mr. W. H. Hutton, an authority entitled to high respect, takes the view that the dissolution of Parliament did not necessarily dissolve Convocation (*cf. Hist. English Church*, pp. 80, 87). Laud held otherwise and *cf.* Gardiner, ix., 142.

Coldstream. Strafford was summoned from Ireland to take command against them. By 27th August he was at York, but racked by disease and utterly worn out he could get no farther. Conway was ordered to hold the line of the Tyne; but on 28th August the Scots forded it at Newburn, and the English troops fled in panic before them. Two days later the Scots seized Newcastle; Northumberland and Durham were soon in their hands. In possession of the Northern Counties; convinced of the support of the Parliamentary leaders; surrounded by every evidence of popular goodwill, they could afford to wait.

Meanwhile, the King, putting aside a petition for a new Parliament, decided to have recourse to a constitutional device untried for centuries. A great Council of Peers was summoned to confer with the King, and met at York on 24th September. The King immediately announced that he had resolved to call a new Parliament in November. Commissioners were appointed to treat with the Scots, who with fervent protestations of loyalty declared "that their grievances were the cause of their being in arms," and begged the King "to settle a firm and durable peace by advice of a Parliament". In October negotiations were opened at Ripon, and there a treaty was concluded. There was to be a truce for two months during which the Scots were to receive £850 a day; the Northern Counties were to be assigned to them as winter quarters, and the terms of a definitive treaty were to be referred to the coming Parliament for adjudication.

While the Scots "sat still" about Newcastle the elections to the new Parliament were held. The meeting of that Parliament opens a new chapter in English history and in Falkland's life.

CHARLES I

VANDYK

CHAPTER II

THE LONG PARLIAMENT: FALKLAND AND "THOROUGH"

THE Long Parliament met on 3rd November, 1640. The temper of the members was vastly different from that which had animated the House when it assembled in the spring of the same year. "There was observed," says Clarendon, "a marvellous elated countenance in most of the members of Parliament before they met together in the House; the same men who six months before were observed to be of very moderate tempers and to wish that gentle methods might be applied without opening the wound too wide and exposing it to the air, and rather to cure what was amiss than too strictly to make inquisition into the causes and origin of the malady, talked now in another dialect both of things and of persons." Some days before Parliament assembled Pym had met Hyde in Westminster Hall, and conferring together upon the state of affairs had told him that "they must now be of another temper than they were at the last Parliament, that they must not only sweep the House clean below, but must pull down all the cobwebs which hung in the top and corners that they might not breed dust and so make a foul House hereafter; that they had now an opportunity to make their country happy by removing all grievances and pulling up the causes of them by the roots, if all men would do their duties, and used much other sharp discourse to him to the same purpose, by which it was discerned that

the wildest and boldest counsels and overtures would find a much better reception than those of a more moderate alloy, which fell out accordingly."

The reasons for this change of temper are not difficult to discern. Much, as we have seen, had happened since the dissolution of the Short Parliament on 5th May. During the last six months "Thorough" made its last desperate venture. As in 1629 so in 1640 members of Parliament were imprisoned; ship-money and coat and conduct money, despite the resolutions of the late Parliament, were collected; forced loans were extorted, and a desperate effort was made to raise an army against the Scots. All to no purpose. The second Bishops' War was a further revelation of military incompetency and divided counsels. Nothing remained but to buy off the hostility of the Scots, and in order to raise the purchase money Parliament must again meet. Clarendon notes two ominous events of the first day of the new Parliament. The King, instead of going in state to open Parliament, sneaked down the river with all possible privacy. Gardiner, whom the King proposed to place in the Speaker's Chair, failed to obtain a seat, and in his place the House chose William Lenthall, the purchaser of Falkland's property at Burford, a man, according to Clarendon, "of timorous nature and quite unequal to the difficult task of controlling Parliament in the interest of the King".

Having seen something of the general political temper of the new Parliament, it is desirable to examine its personnel and to describe its aspect. There was, as yet, no clear definition of parties. The King had personal friends in both Houses, and the Court had its followers, but there was no ministerial party, and the opposition though elaborately organised cannot be described as a "party". A small minority showed itself unwilling to

proceed to the extremest measures against Strafford, but until the development of the attack upon the Church, Parliament was practically unanimous in its desire to amend existing abuses and "pluck up the causes of them by the roots".

The House of Lords consisted at this time, in addition to the 26 Spiritual Peers, of 123 Temporal Peers, of whom no less than two-thirds owed their seats to the reigning King and his father.[1] In that House Francis Russell, Earl of Bedford, occupied a position of acknowledged pre-eminence. "A wise man," says Clarendon, "and of too great and plentiful a fortune to wish a subversion of the Government." He was the friend of Pym, a Puritan in character as in creed, and a man of agreeable temper and sound judgment. He died unfortunately before the first session was half through. Much afflicted, according to Clarendon, "with the passion and fury which he perceived his party inclined to: insomuch that he declared to some of near trust with him 'that he feared the rage and madness of this Parliament would bring more prejudice and mischief to the kingdom than it had ever sustained by the long intermission of Parliaments'". He was succeeded in the leadership of the party in the House of Lords by Hampden's friend, William Fiennes, Viscount Say and Sele. Clarendon speaks of the latter as "the oracle of those who were called Puritans in the worst sense," and as "a notorious enemy to the Church"; and, making all allowance for Clarendon's prejudice on such a matter, there can be no doubt that Say and Sele was a violent opponent not merely of the Laudian system but of the established order in the Church. Among other prominent members of the House of Lords it must suffice to mention the Earl of Essex, a chivalrous opponent and a brave soldier, but ultimately pushed aside by extremer

[1] Sanford, *Studies*.

men; his brother-in-law—by a second marriage—William Seymour, Earl of Hertford—best known to fame as the husband of Arabella Stuart; Algernon Percy, Earl of Northumberland and Lord High Admiral of England; Robert Rich, Earl of Warwick, who secured for his party the supreme advantage of the command of the sea; his brother Henry, Earl of Holland; his son-in-law Lord Mandeville (Kimbolton), eldest son of the Earl of Manchester—a man of unbounded popularity among the Puritans whom he courted and (if Clarendon's hint be accepted) sumptuously entertained; Robert Greville, Lord Brooke, as strong in action as he was eloquent of tongue; Wharton, Pembroke and others.

Among the 493 members of the House of Commons there were not a few members of commanding ability. A glance at the returns will show that most of the constituencies returned men either of high social standing or of distinguished talents. Two Verneys, Sir Ralph and Sir Edmund, father and son, found seats for boroughs in Buckinghamshire; Sidney Godolphin, with whom we are already familiar,[1] sat for Helston; Edmund Waller for St. Ives; Edward Hyde for Saltash; two famous lawyers, Oliver St. John and John Maynard, represented Totness; Denzil Holles, Strafford's brother-in-law and one of the ablest men in the House, sat for Dorchester; Sir John Culpepper and Sir Edward Dering for Kent; Nathaniel Fiennes—as bitter as his father against the Church—represented Banbury; his brother, James Fiennes, with Lord Wenman, represented the county of Oxford, while the University found very distinguished burgesses in Sir Thomas Roe and John Selden; Sir Arthur Hazelrig came in for Leicestershire; Sir Ralph Hopton for Wells; Sir Benjamin Rudyard and the elder Vane for Wilton, and the younger Vane for Kingston-on-Hull; William Lenthall, the Speaker, represented Woodstock; Cromwell—unnoticed as yet—Cam-

[1] *Cf. supra*, p. 88.

bridge town; John Hampden, returned both for Wendover and Bucks, elected to sit for the county; Pym with William, Lord Russell as his colleague sat for Tavistock; Falkland, as in the Short Parliament, for Newport, Isle of Wight. I have found space to mention only a tithe of the famous men who composed "that synod of inflexible patriots with some, that conclave of traitorous rebels with others";[1] but I have named enough to establish the conclusion that rarely, if ever, has there been a Parliament in England which contained so large a proportion of exceptionally brilliant and distinguished men. Falkland and Hyde were destined to a special place as the leaders of the middle party—the constitutional royalists, but among the rest two men stand out pre-eminent, John Hampden and John Pym.

Of Hampden we have an imperishable portrait from the pen of Clarendon. "He was of that rare affability and temper in debate and of that seeming humility and submission of judgment, as if he brought no opinion with him, but a desire of information and instruction. Yet he had so subtle a way of indicating and under the notion of doubts insinuating his objections that he left his opinions with those from whom he pretended to learn and receive them, and even with them who were able to preserve themselves from his infusions and discern those opinions to be fixed in him with which they could not comply, he always left the character of an ingenuous and conscientious person. He was indeed a very wise man and of great parts, and possessed the most absolute spirit of popularity, that is the most absolute faculties to govern the people, of any man I ever knew." By the side of John Hampden sat John Pym.

Pym, as we have seen, had leapt into leadership during the Short Parliament; his authority in the new Parliament soon came to be acknowledged on all hands. He was

[1] Hallam.

essentially a "House of Commons" man; the first and perhaps the greatest Parliamentary leader whom this country has produced. A financier of really first-rate ability; a singularly clear and convincing speaker; a "consummate Parliamentary tactician"; a tireless and vigilant leader, Pym was unquestionably the man who impressed upon the House of Commons its modern aspect, and who went far to define its party system and its methods of procedure. From the day of meeting until the day of his death he was the soul of the opposition in Parliament and outside, and was, for all practical purposes, the leader not merely of a party but of the nation. Pym sat on the Speaker's left "close to the bar of the House"; Hampden sat next him, and almost immediately opposite to them the equally inseparable companions, Falkland and Hyde. Among others who sat on the Speaker's right were the elder Vane, "at the upper end of the front bench," the Solicitor-General Sir Edward Herbert, Sir Benjamin Rudyard, Oliver Cromwell and Sir John Culpepper.[1] It is obvious, therefore, that apart from personal association such as that of Hyde and Falkland, there was little significance in the choice of seats, though the extremists sat mostly on the Speaker's left.

If the personnel of the new House was striking, the issues before it were momentous. Amidst the mass of questions into the consideration of which the House immediately plunged three stand out as of pre-eminent importance: the attack upon Strafford and other agents of "Thorough"; the destruction of the machinery of personal government; and Ecclesiastical Reform. In regard to the two first Falkland took a prominent, in regard to the last a leading, part.

The new Parliament was scarcely more than a week old when, on the 11th November, Pym suddenly rose and informed a startled House that "he had something of import-

[1] D'Ewes *ap.* Sanford. *Cf.* also Verney's *Notes of the Long Parliament.*

ance to acquaint the House with, and desired that the outward room be kept from strangers and that the outward doors upon the stairs be locked". This being done, Pym put up Sir John Clotworthy, an Ulster settler, who sat for Maldon, to give an account of Strafford's "tyrannical carriage" in Ireland, of the "army he had raised there to invade Scotland" and other misdeeds. A proposal for the immediate impeachment of the Lord Lieutenant "found an universal approbation and consent". A Committee of seven members, including Pym and Hampden, was appointed to consider all the information against the Earl of Strafford, and within an hour or two reported that "they did find just cause to accuse the Earl of Strafford of high treason, and further that the House should desire the Lords that he may be sequestered from Parliament and committed, and that within some convenient time this House will resort to their Lordships with particular accusations and articles against him".

It was on this report that Falkland delivered his maiden speech. He was no friend to Strafford or his system. But the House was asked to proceed against him on imperfect information and in hot haste, and he begged them to consider "whether it would not suit better with the gravity of their proceedings first to digest many of those particulars which had been mentioned by a Committee before they sent up to accuse him," though for his own part he was "abundantly satisfied that there was enough to charge him".

Pym strongly opposed Falkland's suggestion. Now, as throughout the next three years, he was in possession of exceptional information. Rumours had reached him of an intended *coup d'état*. Strafford might at that moment be on his way to the House of Lords to delate the Puritan leaders for treasonable negotiations with the Scotch rebels; the King was to support the accusation in arms. With Strafford

to organise it, the abortive attempt of January, 1642, might have been successfully anticipated in November, 1640. But even for Strafford Pym was too quick. Forms were impatiently brushed aside. "To delay is simple ruin," said Pym; "once let Strafford get to the King and Parliament will be dissolved." There was no delay. The House followed Pym's advice, and Pym himself carried up the message of the Commons to the Lords. As the Lords debate the question Strafford himself, having heard of the impeachment, strides in "with proud gloaming countenance". Greeted with shouts of "withdraw," "withdraw," he is compelled in confusion to retire. The Lords assent to the Commons' demand. Strafford is called in and stands, "but is commanded to kneel and on his knees to hear the sentence". He leaves the House in custody of Black-Rod, "no man capping to him before whom that morning the greatest in England would have stood discovered, all crying 'What is the matter?'" "A small matter, I warrant you," said the Earl. "Yes, indeed," shouted the crowd, "high treason is a small matter."[1] Pym had won the first round; by nightfall the lion was caged.

Months elapsed—months crowded with events of the highest significance—before the great Earl was brought to trial. The elaborate and complicated charges had to be formulated; a multitude of preliminaries had to be settled; and it was not until 22nd March, 1641, that the trial was actually opened in Westminster Hall.

Baillie's account of the great trial,[2] contained in a report to the Presbytery of Irvine, is singularly vivid and detailed. He brings the whole scene before us: the King's throne set but vacant; the King himself anxiously watching the proceedings from a box with the Queen, the Princess Mary and the Prince Elector "little more regarded than if they had

[1] Baillie, i., 272. [2] *Ibid.*, i., 313-50.

been absent". Crowds of ladies in boxes "for which they paid much money"; the Lord Steward on the great woolsack; "two other sacks for the Lord Keeper and the Judges"; the peers fully robed; a little desk set in the midst "where the prisoner Strafford stands and sits as he pleaseth, together with his keeper, Sir William Balfour, the Lieutenant of the Tower"; other desks for the prisoner's secretaries and "counsell-at-law"; the eager crowd of the Commons; the general aspect of a great society function; "the most glorious assemblie the Isle could afford, yet the gravity not such as I expected"; in the intervals "the Lords always got to their feet, walked and clattered; the Lower House men too loud clattering"; many picnics in the Hall itself; "much public eating not only of confections but of flesh and bread, bottles of beer and wine going thick from mouth to mouth without cups". But though the scene was gay the matter was grave, and in the main, with some unfortunate exceptions, the conduct of it was not unworthy.

Disentangled from technicalities the charge against Strafford was in reality twofold: that he had ruled tyrannically in Ireland, and that he meant to make Ireland the "jumping off ground" for an attack on the liberties of England. The case rested mainly on the notes taken by the elder Vane of Strafford's advice to the King in Council. Of these entirely confidential notes the younger Vane had by an accident got view; he copied them and showed them to Pym. The incriminating words were: "Your Majesty having tried all ways (against the Scots) and being refused, in this case of extreme necessity and for the safety of your kingdom, you are loose and absolved from all rules of Government. You are acquitted before God and man. You have an army in Ireland; you may employ it to reduce this kingdom." Strafford defended himself with splendid courage, with touching eloquence and consummate

ingenuity. And he was obviously producing an effect. "This kingdom" might well apply, as he contended it did, not to England but to Scotland. "Three whole kingdoms," says May, "were his accusers, and eagerly sought in one death a recompense of all their sufferings." But Strafford met them face to face. "Never man acted such a part on such a stage," writes Bulstrode Whitelocke, "with more wisdom, constancy and eloquence, with greater wisdom, temper and with better grace in all his words." Even grim Baillie allows that "the matter and expression was exceeding brave; doubtless if he had grace and civil goodness he is a most eloquent man." Strafford was visibly gaining ground; the impeachment was foredoomed to failure; even prejudiced judges could not convict on such evidence. But the "inflexibles" were determined that Strafford should die. The trial had already dragged on for more than a fortnight when suddenly the impeachment was abandoned. A Bill of Attainder was brought in on 10th April, and on 21st April it passed the Commons. The assent of the Lords and the King was still necessary. On the 23rd the King wrote to his faithful servant to assure him "upon the word of a King" that he should not suffer "in life, honour or fortune". Then came negotiations with the Puritan leaders. Bedford, Say and Sele, and Pym himself were to have high office. Not even this could stay the hand of the "opposition". "Stone dead hath no fellow" was the grim verdict of Essex. By the 8th of May the Bill was through the Lords; Strafford's fate now rested with the King. Fears for the safety of the Queen at last overcame his hesitation; the Royal assent was given on 10th May, and two days later, on 12th May, Strafford was brought to the block. At last the fiery and fretted spirit was at rest.

What was Falkland's part in this great tragedy? He had no love for the man, and he detested his methods.

But when the crisis came he deprecated unseemly haste or apparent anxiety to snatch a verdict. On 11th November, when the matter was first mooted, he spoke as we have seen in favour of deliberation. Notwithstanding this, he was named on 30th November as a member of the Commons' Committee to "meet with a Committee of the Lords concerning the examination of their members in the accusation of the Earl of Strafford," and on 30th January, 1641, he with his colleagues received the thanks of the House for "the great pains they have taken in preparing and drawing up the charge". On 18th February the House of Commons was thrown into unnecessary excitement by the news that the Lords had granted Strafford an extension of time for the preparation of his defence. Again Falkland showed his fairness and moderation by rebuking "this childish ebullition of feeling," and approving the reasonable conduct of the Lords. "The Lords," he said, "have done no more than they conceived to be necessary in justice. It would be impossible to show Strafford a better courtesy than to jar with the Upper House or to retard their own proceedings." [1] Falkland's wise counsel was accepted by the House. Questions relating to Strafford's trial were constantly under debate during the early months of 1641, and on 6th March a Committee of forty-eight was named to meet a Committee of the Lords concerning the trial. Of this Committee also Falkland was a member, and some days later he acted as one of the reporters of the Conference held with the Lords. Finally, on 21st April, he supported with vote and voice the motion for the third reading of the Bill of Attainder. Two hundred and four voted with him against fifty-nine in favour of Strafford. Among the minority Digby and Selden were the most conspicuous.

Falkland, therefore, equally with Pym must be held re-

[1] D'Ewes *ap.* Gardiner, ix., 292.

sponsible for Strafford's death. True that at every stage in the proceedings there is evidence that Falkland desired to treat the accused with scrupulous fairness and consideration ; but at no point does he appear to have had any doubts as to his essential guilt. In the debate in the Commons on 15th April, his intervention had done much to clear a confused issue. Strafford had throughout protested against the doctrine of cumulative treason. "He made," says Baillie, "one general answer, and almost in every article repeated it, though the point alleged against him were proved, yet it would be but a misdemeanour ; an 100 misdemeanours would not make one felonie, and an 100 felonies not one treason, being a crime of a different kind and nature." That Strafford was at least technically right no one can doubt, but Falkland brushed the subtleties impatiently aside. "How many haires' breadths makes a tall man, and how many makes a little man, noe man can well say, yet wee know a tall man when wee see him from a low man. Soe 'tis in this, how many illegal acts makes a treason is not certainly well known, but wee well know it when wee see." Strafford, he concluded, "in equity deserves to die".

Richard Baxter declares[1] that Falkland, out of regard for the King, was for sparing Strafford's life. "Now began the first breach among themselves, for the Lord Falkland, the Lord Digby and divers other able men were for the sparing his life, and gratifying the King, and not putting him on a thing so much displeasing him." Digby, it is true, not only voted, but spoke against the Bill of Attainder, not out of pity for Strafford, nor yet out of regard for the King, but solely out of respect for the law: "I do not say, but the charges may represent him as a man worthy to die, and perhaps worthier than many a traitor. I do not say but they may justly direct us to enact that they shall

[1] *Reliquiæ Baxterianæ*, p. 19, *ap.* Lewis, p. 82.

be treason for the future. But God keep me from giving judgment of death on any man upon a law made *a posteriori*. Let the mark be set on the door where the plague is, and then let him that will enter, die. I believe his practices in themselves as high, as tyrannical, as any subject ever ventured on; and the malignity of them largely aggravated by those rare abilities of his, whereof God has given him the use, but the devil the application. In one word, I believe him to be still that grand apostate to the Commonwealth, who must not expect to be pardoned in this world till he be despatched to the other. And yet let me tell you, Mr. Speaker, my hand must not lie to that despatch." Apart from Baxter, however, there is no evidence that Falkland associated himself with Digby on this question. On the contrary he voted and spoke against him. But pitiless as he was towards the man whom he regarded as a traitor both to his country and his King, he was characteristically compassionate towards the innocent children who were barbarously involved in the penalties of their father's crime. "Seeing Lord Strafford's children proceeded as well from his innocent wife as his own guilty person, 'tis better they should be spared in their estates for the innocents' sake than punished for the guilty."

As to Falkland's attitude towards Strafford there can therefore be no reasonable doubt. He pursued him to his death with a relentlessness almost as keen as that of Pym. Does his conduct arouse a sense of incongruity? Within twelve months Falkland was to become the confidential adviser of the Sovereign whom Strafford died to save. Does the fact raise a jarring note in the perfect harmony of Falkland's character and career? Strafford himself, be it remembered, had taken office under the Crown less than four months after the death of Buckingham against whose employment he had protested so loudly. But a parallel does not afford an explanation, still less an excuse. Is there in the

attitude of Falkland towards Strafford anything out of harmony with his personal character or at variance with his political principles? The suggestion that it was inspired by a personal grudge may be dismissed as absurd and unthinkable. The mere fact that Strafford had stepped into the elder Falkland's shoes in Dublin is the sole foundation for a piece of malevolent gossip. But the fact of persistent and unrelenting opposition remains.

It is not difficult to understand and explain it. These two great men, alike in their devotion to the commonweal, were strangely antipathetic both in personality and in politics. Both, it is true, found themselves in an uncongenial environment. Falkland was born too early, Strafford was born too late. Falkland was a moderate constitutionalist pitched into the seething sea of revolution; Strafford was a Vulcan well fitted, by a policy of blood and iron, to weld into one great whole the disjointed members of an incipient Empire. Falkland was an evolutionary conservative ideally fitted for the work of a constitutional minister in placid times; Strafford was a revolutionary idealist impatient to attain the essential end of all government by means unsuited to his day. Both were intensely loyal to the monarchy; but while Strafford was devoted to the person of the King, Falkland was merely a believer in the institution. Both were loyal to Parliament, but in different senses; Strafford believed in it as an effective instrument in the grasp of a strong ruler; Falkland regarded it as a means whereby discordant elements in the State might be brought into harmony for the common weal, and whereby political progress might be made at once continuous and calm.

Into the general merits of the case against Strafford it is unnecessary, as it is impossible, to enter here. But it is necessary, in a critical essay on Falkland, to probe the reasons for the mistrust with which one loyal servant of the

Crown regarded another. Some help towards a solution may perhaps be obtained by reverting to the parallel of Buckingham. Strafford had flung himself heart and soul into the attack on Buckingham and into the opposition to the Crown. His monarchical instincts were offended by the pitiful spectacle presented by a personal régime inspired by an incompetent favourite. A firm believer in strong administration, he saw nothing but incompetence and weakness on every side. Buckingham was, as he believed, the enemy—the enemy to the country, the enemy to the King, the enemy to the cause of strong government. Buckingham, therefore, must be struck down. Similarly, Falkland was a believer in constitutional monarchy, in conservative reform, in a national and comprehensive Church. To the causes which Falkland loved, Strafford with his impatient and overbearing idealism, Strafford in his partnership with Laud, was the arch-enemy. Strafford and Laud—so it seemed to Falkland—were rendering all steady and conservative progress impossible; their methods could produce nothing but reaction. Were not Falkland's forebodings abundantly justified by events? Was not his diagnosis absolutely sound? He had no love for Strafford and he broke from Pym. To all time, therefore, he is the type of the inconstant waverer, the well-intentioned dreamer unfitted for affairs. But is not the estimate superficial and unjust? His one fault was that his soul was too large and his vision too clear for the pettinesses and bigotries by which he was surrounded.

Until the day of his death Strafford filled the stage. But the *Journals* of the House prove its manifold activities in other directions. Before Strafford was sent to the block much of the machinery of "Thorough" had been destroyed and many of its agents brought to account. Of all the

questions dealt with by the Long Parliament, in its first session, none was so insistent as that of the Church; but this will be reserved for separate and continuous treatment. Meanwhile, Parliament listened to the long tale of grievances detailed in county petitions; it impeached Laud, Finch and Windebank; it vindicated the "distressed ministers and other persecuted people" such as Prynne, Bastwick and Burton; it questioned and committed "many doctors and divines that had been most busy in promoting the late Church innovations"; it swept away the Prerogative Courts, the Star Chamber, the High Commission Court, the Stannary Courts, the Council of the North and the Court of the Marches; it reversed famous judgments; it declared the illegality of Impositions and Tonnage and Poundage without the consent of Parliament; it restricted Purveyance; it determined forest boundaries and abolished compulsory knighthood; above all it provided, by the Triennial Act, against the intermission of Parliamentary Sessions for the future, and, by a flagrant, though not perhaps unjustifiable invasion of the Prerogative, made it impossible for the Crown to dissolve the existing Parliament without its own consent. None of these questions really evoked any serious difference of opinion. In both Houses there was practical unanimity as to the expediency of sweeping away the abuses of the old régime, and rendering their recurrence impossible. The Commons' *Journals* make it abundantly clear that Falkland took his full share in the work of the session. He served on innumerable Committees, took part in endless Conferences. Not infrequently he was appointed to serve as one of the "reporters" of the Conference.

But there was one question prominently before the Long Parliament in its first session which appealed to Falkland with especial force, and to the solution of which he made an exceptionally important contribution. He was deeply

impressed by the wrong done to the cause of good government and orderly administration by the action of the judges, and in particular, of Lord Keeper Finch, in regard to ship-money. "Those persons who should have been as dogs to defend the sheep, have been as wolves to worry them."

On 5th December, 1640, there was presented to the House a "humble petition of divers inhabitants in and about the Town of Watford, complaining of the Sheriff for rigorous levying of ship-money". The petition was referred to a Committee, and two days later the House resumed the consideration of the subject. This was the occasion on which "Lord Falkland, that excellent man, and one of the wonders of his age,"[1] delivered his famous speech on ship-money. Its importance demands quotation in full:—

"MR. SPEAKER,

"I rejoice very much to see this day; and the want hath not lain in my Affections, but my Lungs, if to all that hath been past I have not been as loud with my Voice as any man in the House; yet truly my Opinion is, we have yet done nothing, if we do no more; I shall add what I humbly conceive ought to be added, as soon as I have said something with reference to him that says it. I will first desire the forgivness of the House if ought I say seem to intrench upon another's Profession, and enter upon the work of another Robe. Since I have been intrusted by the Report of a learned Committee, and confirmed by the uncontradicted Rule of the House, since I shall say nothing of this kind but in order to something further; And which moves me most to venture my Opinion, and to expect your pardon, since I am confident that History alone is sufficient to shew this Judgment contrary to our Laws, and Logick alone is sufficient to prove it destructive

[1] Nalson, *Coll.*, i., 654.

to our Propriety, which every free, and noble Person values more than his Profession. I will not profess I know my self, but all those who know me, know that my natural disposition is to decline from Severity, much more than from Cruelty. That I have no particular provocation from their Persons, and have particular obligations to their Calling against whom I am to speak; and though I have not so much knowledge in Law, yet far more than I have use for; so I hope it will be believed, that only publick interest hath exorted this from me, and that which I would not say, if I conceived it not so true, and so necessary, that no undigested meat can be heavier upon the Stomach, that this unsaid would have lain upon my Conscience.

"Mr. Speaker, the constitution of this Commonwealth hath established, or rather endeavoured to establish to us the security of our Goods, and the security of those Laws which would secure us and our Goods, by appointing for us Judges so settled, so sworn, that there can be no oppression, but they of necessity must be accessary; since if they neither deny, nor delay us Justice, which neither for the Great nor Little Seal they ought to do; the greatest Person in this Kingdom cannot continue the least violence upon the meanest: But this Security, Mr. Speaker, hath been almost our ruin; for it hath been turned, or rather turned it self into a Battery against us: And those Persons who should have been as Dogs to defend the Sheep, have been as Wolves to worry them.

"These Judges, Mr. Speaker, to instance not them only, but their greatest crime, have delivered an Opinion and Judgment in an extrajudical manner, that is, such as came not within their cognizance, they being Judges, and neither Philosophers, nor Politicians; In which, when that which they would have so absolute and evident, taketh place, the Law of the Land ceases, and that of general reason and

equity, by which particular Laws at first were framed, returns to his Throne and Government, where *salus Populi* becomes not only *suprema*, but *sola Lex;* at which, and to which end, whatsoever should dispence with the King, to make use of any Money, dispenses with us, to make use of his, and one another's. In this judgment they contradicted both many, and learned Acts and Declarations of Parliament; and those in this very Case, in this very Reign; so that for them they needed to have consulted with no other Record, but with their Memories.

"2. They have contradicted apparent Evidences, by supposing mighty and eminent Dangers, in the most serene, quiet and halcion days that could possibly be imagined, a few contemptable Pirates, being our most formidable Enemies, and there being neither Prince nor State, with whom we had not alliance, or Amity, or both.

"3. They contradict the Writ itself, by supposing that supposed Danger to be so sudden, that it would not stay for a Parliament, which required but a forty days' stay, and the Writ being in no such hast, but being content to stay forty days seven times over.

"Mr. Speaker, it seemed generally strange, that they saw not the Law, which all men else saw, but themselves. Yet though this begot the more general wonder, three other Particulars begot the more general indignation.

"The first of all the Reasons for this Judgment, was such, that there needed not any from the adverse Party to convert those few, who before had not the least suspicion of the legality of that most illegal Writ, there being fewer that approved of the Judgment, than there were that judged it legal, for I am confident they did not That themselves.

"Secondly, when they had allowed to the King, the sole Power in necessity, the sole Judgment of necessity, and by that enabled him to take both from us, what he would, when

he would, and how he would, they yet continue to perswade us that they had left us our Liberties and Properties.

"The Third and Last is, and which I confess moved most, That by the transformation of us from the state of free Subjects (a good phrase Mr. Speaker, under Doctor Heylin's favour) unto that of Villains, they disable us by legal and voluntary supplies to express our affections to His Majesty, and by that to cherish his to us, that is by Parliaments.

"Mr. Speaker the cause of all the Miseries we have suffered, and the cause of all our Jealousies we have had that we should yet suffer, is, That a most excellent Prince hath been most infinitely abused by his Judges, telling him that by Policy he might do what he pleased; with the first of these we are now to deal, which may be a leading to the rest. And since in providing of these Laws, upon which these men have trampled, our ancestors have shewed their utmost care and wisdom, for our undoubted security, words having done nothing, and yet they have all that words can do, we must now be forced to think of abolishing of our Grievances, and of taking away this Judgment, and these Judges together, and of regulating their Successors by their exemplary punishment.

"I will not speak much; I will only say we have accused a great Person of High Treason, for intending to subvert our Fundamental Laws, and to introduce Arbitrary Government, which we suppose he meant to do; we are sure these have done it, there being no Law more fundamental, than that they have already subverted; and no Government more absolute, than they have really introduced: Mr. Speaker, not only the severe punishment, but the sudden removal of these men, will have a sudden effect in one very considerable Consideration. We only accuse, and the House of Lords condemn; in which condemnation they usually receive advice (tho not direction) from the Judges; and I

leave it to every man to imagine how prejudical to us, that is, to the Commonwealth, and how partial to their Fellow-malefactors, the advice of such Judges is like to be. How undoubtedly for their own sakes, they will think it may conduce to their power, that every Action be judged to be a less fault, and every Person to be less faulty, than in justice they ought to do; Amongst these Mr. Speaker, there is one that I must not lose in the Crowd, whom I doubt not but we shall find, when we examine the rest of them, with what hopes they have been tempted, by what fears they have been effay'd, and by what they did; I doubt not, I say, but we shall then find him to have been a most admirable Solicitor, but a most abominable Judge; he it is who not only gave away with his breath, what our Ancestors had purchased for us by so large an expense of their Time, their Care, their Treasure, and their Blood, and imployed his Industry, as great as his Unjustice, to perswade others to join with him in that deed of gift: but strove to root up those Liberties which they had cut down; and to make our grievances immortal, and our Slavery irreparable, lest any part of our Posterity might want to curse him; He declared that power to be so inherent to the Crown, as that it was not in the power even of Parliaments to divide them. I have heard Mr. Speaker, and I think here that common Fame is ground enough for this House to accuse upon; and then undoubtedly there is enough to be accused upon in this House: he hath reported this so generally, that I expect not that you shall bid me name him whom you all know, nor do I look to tell your any news, when I tell you it is my Lord Keeper. But this I think fit to put you in mind of, That his place admits him to His Majesty, and trusts him with His Majesty's Conscience, and how pernicious every moment must be, which gives him means to infuse such unjust Opinions of this House, as are exprest in a Libel, rather than a Declara-

tion, of which many believe him to be the Principal Secretary; and th' other puts the most vast and unlimited power of the Chancery into his hands, the safest of which will be dangerous; for my part, I think no man secure, that he shall think himself worth anything when he rises, whilst all our Estates are in his breast, who hath sacrifised his Country to his Ambition; whilst he who hath prostrated his own Conscience, hath the keeping of the King's; and he who hath undone us already by wholesale, hath a power left in him by retail.

"Mr. Speaker, In the beginning of the Parliament he told us, and I am confident every man here believes it before he told it, and never the more for his telling, tho a sorry Witness is a good testimony against himself; That His Majesty never required anything from any of his Ministers but Justice and Integrity. Against which, if any of them have transgrest, upon their heads, and that deservedly, it all ought to fall; it was full and truly said; but he hath in this saying pronounced his own condemnation; we shall be more partial to him, than he is to himself, if we be slow to pursue it. It is therefore my just and humble motion, that we may chuse a select Committee to draw up his and their Charge, and to examine their carriage in this particular, to make use of it in the Charge; and if he shall be found guilty of tampering with Judges against the Publick Security, who thought tampering with Witnesses in a private Cause, worthy of so great a Fine; if he should be found to have gone before rest to this Judgment, and to have gone beyond the rest in this Judgment, that in the punishment of it the Justice of this House may not deny him the due honour both to precede and exceed the rest." [1]

The speech had immediate and important results, and

[1] Rushworth, iv., 86 *seq.*

the House passed without a dissentient voice the following resolution:—

(1) "That the charge imposed upon the Subjects for the providing and furnishing of ships, and the assessments for raising of money for that purpose, commonly called ship-money are against the laws of the realm, the subjects right of property and contrary to former resolutions in Parliament and to the Petition of Right.

(2) "That the extra-judicial opinions of the Judges published in the Star Chamber and enrolled in the Courts of Westminster *in hæc verba*, etc., in the whole and in every part of them are against the Laws of the Realm, the Right of Property, and the Liberty of the Subjects, and contrary to former resolutions in Parliament, and to the Petition of Right.

(3) "That the writ following *in hæc verba*, etc., and the other writs commonly called the ship writs are against the laws of the Realm (etc., *ut supra*), and

(4) "That judgment in the Exchequer in Hampden's case in the matter and substance thereof, and in that it was conceived that Mr. Hampden was any way chargeable is against the Laws of the Realm (etc., *ut supra*)."[1]

Further: on the motion of Hyde, a Committee of sixteen members was appointed "to go forthwith to the several judges to know how they were solicited or threatened, and in what manner, and by whom, to give any opinion or judgment concerning ship-money, and they are to go two to a Judge". Leave was likewise given to this Committee "to acquaint the Judges what hath been voted this day in the House touching ship-money, and to use their own discretions to ask such questions as shall be material to the matter contained in the order". Falkland, Hyde, Sir John Culpepper and Sir Arthur Hazelrig were among the members appointed to serve. As a result of their investigations the

[1] Rushworth, iv., 88, and Nalson.

House resolved, on the motion of Falkland, to proceed to the impeachment of Lord Keeper Finch. Finch prayed that before matters went further he might be heard at the bar in his own defence. To this request the House, though not without "great controversy," acceded, and on 21st December the "great officer of the Law" appeared at the bar. A chair was set for him, and "when the Speaker told him that his lordship might sit, he made a low obeisance, and laying down the Seal and his hat on the chair made a speech standing and bare-headed".

The speech, "elegant and ingenious,"[1] and delivered with "an excellent grace and gesture," was an effective plea for clemency, and it made an obvious impression upon a curiously sympathetic House. "Many," says Rushworth, "were exceedingly taken with his eloquence and carriage; and it was a sad sight to see a person of his greatness, parts, and favour to appear in such a posture before such an assembly to plead for his life and fortunes." But his eloquence did not suffice to save him; the House resolved on his impeachment, and Falkland was appointed to carry up the accusation to the Lords. Finch, however, had no mind for martyrdom. "The next day he was accused before the Lords, but he got up earlier and escaped into Holland."[2] The impeachment, of course, went on. Hyde was "at the request of the Lord Falkland" appointed "to be assistant unto him for the reading of the articles against the late Lord Keeper". Together they appeared at the bar of the House of Lords, and Falkland having read the articles of impeachment delivered the following speech :—

"MR. SPEAKER,

"These Articles against my Lord Finch being read, I may be bold to apply that of the Poet, *Nil refert*

[1] Whitelocke. [2] Rushworth.

tales versus qua voce legantur; and I doubt not but your Lordships must be of the same Opinion, of which the House of Commons appears to have been by the choice they have made of me, that the Charge I have brought is such, as needs no assistance from the bringer, leaving not so much as a colour for any defence, including all possible Evidence, and all possible aggravation, that addition alone excepted, which he alone could make, and hath made, I mean his Confession, included in his flight.

"Here are many and mighty Crimes, Crimes of Supererogation, (so that High-Treason is but a part of his Charge) pursuing him fervently in every several Condition, (being a silent Speaker, an unjust Judge, and an unconscionable Keeper). That his life appears a perpetual Warfare, (by Mines, and by Battery, by Battel, and by Stratagem) against our Fundamental Laws, which by his own Confession, several Conquests had left untoucht; against the Excellent Constitution of this Kingdom, which hath made it appear unto strangers rather an Idea, than a real Commonwealth, and produced happiness of this, to be a wonder of every other Nation, and this with such unfortunate success, that as he always intended to make our Ruins a ground of his advancement; so his advancement the means of our further ruin. After that, contrary to the duty of his Place, and the end of that meeting in which he held his place, he had as it were gagg'd the Commonwealth, taking away, (to his power) all Power of Speech from that body, of which he ought to have been the Mouth, and which alone can perfectly represent the condition of the people, whom that body only represents; which if he had not done, in all probability, what so grave and judicious an Assembly might have offered to the consideration of so gracious and just a Prince, had occasioned the redress of the Grievances they then suffered, and prevented those which they have since endured, according to

the ancient Maxim of *Odisse quos læseris;* he pursued this offence towards the Parliament, by inveighing against the Members, by scandalising their proceedings, by trampling upon their Acts and Declarations, by usurping and devolving the right, by diminishing and abrogating the power, both of that and other Parliaments, and making them (as much as in him lay) both useless and odious to His Majesty; and pursued his hatred to this Fountain of Justice, by corrupting the Streams of it, the Laws; and perverting the Conduit Pipes, the Judges.

"He practised the annihilating of Ancient and Notorious perambulations of particular Forests, the better to prepare himself to annihilate the Ancient and Notorious perambulations of the whole Kingdom, the meeres and boundaries between the Liberties of the Subject, and Sovereign Power; he endeavoured to have all tenures *durante bene placito;* to bring all Laws from His Majesties Courts into His Majesties breast, he gave our Goods to the King, our Lands to the Deer, our Liberties to his Sheriffs; so that there was no way by which we had not been opprest, and destroyed, if the power of this Person had been equal to his Will: Or that the will of His Majesty had been equal to his Power.

"He not only by this means made us liable to all the effects of an Invasion from without, but (by destruction of our Liberties, which included the destruction of our propriety, which included the destruction of our Industry) to the terriblest of the Invasions, that of Want and Poverty. So that if what he plotted had taken root (and he made it as sure as his Declaration could make it what himself was not Parliament-proof) in this wealthy and happy Kingdom, there could have been left no abundance but of grievances and discontentment; no satisfaction but amongst the guilty. It is generally observed of the Plague, that the Infection of others, is an earnest and constant desire of all that are seized

by it: and as this design resembles that disease in the ruin, destruction, and desolation it would have wrought; so it seems no less like it in the effect: he having so laboured to make others share in that Guilt, that his sollicitation was not only his Action, but theirs, making use of his Authority, his Interest, and Importunity to perswade: and in His Majesties Name (whose Piety is known to give that excellent prerogative to his Person, that the Law gives to his Place, not to have been able to do wrong) to threaten the rest of the Judges, to sign Opinions contrary to Law, to assign Answers contrary to their Opinions, to give Judgement, which they ought not to have given, and to recant Judgement, when they had given it as they ought; so that whosoever considers his care of, and concernment, both in the growth and in the continuance of this project, cannot but by the same way by which the wisest Judgement found the true Mother of the Child, discover him, not only to have been the Fosterer, but the Father of this most pernicious and envious design.

"I shall not need to observe, that this was plotted and pursued by an *English* man and against *England* (which increaseth the Crime in no less degree than parricide is beyond Murther) and this was done in the greatest matter joyned to the greatest Bond, being against the general Liberty, and publick propriety, by a sworn Judge (and if salt itself became unsavoury, the Gospel itself hath designed whether it must be cast) that he poysoned our very Antidotes, and turned our Guard into a destruction, making Law the ground of illegality: that he used the Law not only against us, but against itself; making it, as I may say; *Felo de se*, making the pretence, (for I can scarce say, the appearance of it) so to contribute to the utter ruin of itself.

"I shall not need to say, that either this is (or can be) of the highest kind, and in the highest degree Parliamentary

Treason, a Treason which needs not a computation of many several actions, which alone were not Treason, to prove a Treason altogether, and by that demonstration of the intention, to make that formally Treason which were materially but a misdemeanour. This is a Treason as well against the King, as against the Kingdom; for whatsoever is against the whole, is undoubtedly against the Head, which takes from His Majesty the ground of his Rule, the Laws, (for if Foundations be destroyed, the Pinacles are most endangered) which takes from His Majesty the principal Honour of his Rule, the Ruling over Free-men, a power as much Nobler than that over Villains, as that is than that over beasts; which endeavoured to take from His Majesty the principal support of his Rule, the hearts and affections of those over whom he rules (a better and surer wall to the King, than the Sea is to the Kingdom) by begetting a mutual distrust and by that a mutual disaffection between them, to hazard the danger even of the destruction of both.

"My Lords, I shall the less need to press this, because, as it were unreasonable in any case to suspect your Justice, so here especially, where your interest so nearly unites you; your great share in possessions, giving you an equal concernment in propriety; the care and pains used by your Noble Ancestors in the founding, and asserting of our Common Liberties, rendring the just defence of them, your most proper and peculiar inheritance, and both exciting to oppose and extirpate all such designs as did introduce and would have settled an Arbitrary, that is, an intolerable form of Government, and have made even your Lordships and your posterity but Right Honourable Slaves.

"My Lords, I will spend no more words, *Luctando cum larva*, in accusing the Ghost of a departed Person, whom his Crimes accuse more than I can do; and his absence

accuseth no less than his Crimes. Neither will I excuse the length of what I have said, because I cannot add to an excuse, without adding to the Fault; or my own imperfections, either in the matter or manner of it, which I know must appear the greater, by being compared with that learned Gentleman's great Ability, who hath preceded me at this time: I will only desire by the Command, and in the behalf of the House of Commons, that these proceedings against the Lord Finch, may be put in so speedy a way of dispatch, as in such cases the course of Parliament will Allow."[1]

In the event, the Lords sent back a message to the Commons that they had taken into consideration the charges against the late Keeper of the Great Seal; but having received intimation that he was not to be found, they had ordered him into safe custody as soon as he could be discovered. Finch remained in exile for eight years, after which, having made abject submission, he was permitted to return quietly to England.

Meanwhile, on the day after the formal impeachment of Finch before the Lords, the King announced his pleasure that the judges should henceforth hold office *quamdiu se bene gesserint*, and no longer *durante bene placito*. Falkland's labours, though the immediate object of his attack had fled into a miserable exile, had not been in vain. The House of Commons recognised its debt to him, and on 14th January it was ordered by the House that "thanks be rendered from the House to Mr. St. John and Mr. Whitlock, the Lord Falkland and Mr. Hide for the great service they have performed to the Honour of this House, and good of the Commonwealth, in the transferring the business of the ship-money and the other matters concerning the Liberty

[1] Rushworth, iv., 139 *seq.*

and Property of the Subjects and the articles against the late Lord Keeper".

Falkland's two great speeches—the exceptional vehemence of his language, and the persistence with which it was followed up by action—prove the depth of his feeling in regard to ship-money. It is necessary, therefore, to scrutinise with some care the motives by which he was inspired. Falkland's main objection was clearly not to the imposition itself, but to the misuse of the judicial bench in connection with it. He felt that, in this sense, the question went to the very roots of political society and affected principles which were at once elementary and fundamental. To Falkland as to Bacon the position of the judges in the State, and their appropriate functions in the general scheme of polity, were matters of first-rate importance. Bacon frankly desired that the judiciary should be regarded as the handmaid of the executive. "Let Judges also remember that Solomon's throne was supported by lions on both sides; let them be lions, but yet lions under the throne, being circumspect that they do not check or oppose any points of sovereignty."[1] To Falkland such a doctrine was abhorrent. The primary function of the judges was to protect the liberty of the individual, not to enlarge the prerogative of the Crown. "If they neither deny nor delay us justice . . . the greatest person in this kingdom cannot continue the least violence upon the meanest." It was the misuse of their function that he so vehemently condemned; that they had "delivered an opinion and judgment in an extra-judicial manner, that is such as came not within their cognisance, they being Judges, and neither philosophers nor politicians". This was the real point of his attack, and he undoubtedly weakened his case by straying off on to the point of law. He had of course no difficulty in brushing aside the flimsy

[1] Essay "Of Judicature".

pretext of "imminent danger" and urgent necessity; but to say that the "Judges saw not the law, which all men else saw but themselves," savours of a layman's impertinence. Nor was it the essential point. The judgment may in itself have been perfectly sound in law, and yet at the same time the grounds on which it was based may have been politically mischievous beyond all computation. Clarendon's criticism is eminently to the point. He makes no attempt to vindicate Falkland's opinion on the question of law; he hints indeed that he was badly advised "by those who, he believed, understood the laws perfectly". But on the political aspect he is no less emphatic than his friend. "The damage and mischief cannot be expressed that the Crown and State sustained by the deserved reproach and infamy that attended the judges by being made use of in this and the like acts of power." People might well condone some stretching of the Prerogative "upon an emergent occasion"; what they would not stand was "apothegms of State urged as elements of law, judges as sharp-sighted as Secretaries of State and in the mysteries of State; judgment of law grounded upon matter of fact of which there was neither inquiry nor proof."[1]

Here Clarendon was absolutely at one with Falkland, and here both were on firm ground. It was essentially the old question at issue between Bacon and Coke reappearing in a new form. Was there to be in England "one law for all," or was the executive to be strengthened by the admission of the principle of the *droit administratif?* Regarded from this point of view, the "ship-money question" assumes a fresh importance; it is seen to be, not merely a temporary expedient to raise money by extra-parliamentary means, but an essential part of a coherent and cunningly compacted scheme. "Thorough" was impracticable without *tribunaux*

[1] i., 116.

administratifs; English judges must be taught to dance to the pipe of the executive.[1] It would be fantastic to suppose that these considerations in their full significance were present to the minds of the squires and lawyers of the Long Parliament; but it is indubitable that in their denunciation of ship-money and in their attack upon Lord Keeper Finch they were dimly feeling after a constitutional principle of the first importance.

In this quest they followed the lead of Lord Falkland.

[1] On the subject of the *droit administratif*, *cf.* Prof. A. V. Dicey's luminous work on *The Law of the Constitution.*

LUCIUS, SECOND VISCOUNT FALKLAND

FROM AN ENGRAVING BY BOCQUET FROM THE PICTURE THEN IN THE POSSESSION OF THE DUKE OF QUEENSBERRY

CHAPTER III

THE LONG PARLIAMENT: FALKLAND AND THE CHURCH

OF all the important questions which came before the Long Parliament, there was none to Falkland so important or so interesting as that of the Church. The general nature of the ecclesiastical problem has been already indicated.[1] In the early months of the Long Parliament we necessarily come to closer quarters with the issues involved. Those issues were by no means academic. For more than a quarter of a century the Arminians had had it all their own way in regard to high ecclesiastical preferment. For the last ten years their domination had extended to politics. They not merely held "all the best bishoprics and deaneries in England," they dictated the policy of the Crown. As to the growing unpopularity of this ecclesiastical régime there can be no question; but it is exceedingly difficult, in view of much conflicting evidence, to gauge public feeling as to any particular method of reform. Were the people sick of Episcopacy and panting for Presbyterianism? Baillie evidently thought so, and wrote to his friends on 18th November, 1640, in the highest spirits. "Episcopacie itself beginning to be cryed down, and a covenant cried up, and the Liturgie scorned. The toun of London, and a world of men, minds to present a petition for the abolition of Bishops, Deanes and all their aperteanances. It is thought good to delay it

till the Parliament have pulled down Canterburie and some prime Bishops, which they minde to doe so soon as the King has a little digested the bitterness of his Lieutenant's censure. Hudge things are here in working: The mighty hand of God be about this great work! We hope this shall be the joyfull harvest of the teares that this manie yeares has been sawin in this kingdomes. All here are wearie of Bishops." It is certain that Baillie was hopelessly deceived: he judged of England—not unnaturally—from London. And Baillie himself becomes less confident as the months pass on. In December he still believed that the popular voice favoured the "root and branch" policy. "All are for bringing them (the Bishops) verie low; but who will not root them clean away are not respected." Later on comes the fear lest the action of the Brownists may save Episcopacy. "The Separatists are like to be some help to hold up the Bishops through their impertinencie." Towards the end of December the dread increases. "There was some fear for those of the new way who are for the Independent congregations." By the middle of March the tone of his reports is becoming distinctly more cautious. "To propone the rooting out of the Bishops had been by pluralitie of voices to have established them." Clearly Presbyterianism was not to be rushed through, and it is painful to observe in this typical Presbyterian an increasing reliance upon the secular arm. No permanent harm was likely to come to the cause of God, either from Brownists or Prelatists, "so long as the lads about Newcastle sitts still".

Clarendon and Baillie are of course at opposite poles, but Clarendon, while not denying the unpopularity of the Bishops in London—"the sink of all the ill humour of the kingdom"— bitterly condemns the apathy and weakness of the executive at this crisis. "It had been no

hard matter to have destroyed those seeds and pulled up those plants which (being) neglected grew up and prospered to a full harvest of rebellion and treason." But Clarendon probably underrates the depth of the feeling excited by Laud as much as Baillie exaggerates it.

Difficult, however, as it is to arrive at any sound and general conclusion as to the feeling of the country, there is no obscurity as to the temper of Parliament. Within three days of its first meeting the House of Commons appointed "a Committee of the whole House for Religion to meet every Monday at two of the clock". "Let Religion," said Rudyard speaking on 7th November, "be our *primum quærite;* for all things else are but *et caeteras* to it: . . . Believe it, sir, religion hath been for a long time and still is the great design upon this kingdom." Speaking on the same occasion Pym laid stress upon the "Encouragement of Popery," the introduction of innovations in religion, and "last and greatest grievance," "the ambitious and corrupt clergy preaching down the laws of God and Liberties of the kingdom". Meanwhile, petitions were pouring in upon the House from every side. Nearly all make the same complaints and the same demands: they denounce the removal of the communion table to the east end, and the railing it in; they complain of the oath and articles imposed upon Churchwardens; the false doctrines and irregularities of the clergy. From the country came no hint of a demand for revolution in Church government. It was otherwise in Presbyterian London. There the tide was running strong against Episcopacy. On 11th December the monster petition signed by 15,000 laymen and 1,640 ministers in London was, amid considerable tumult, presented to the House. This was the famous "Root and Branch Petition," praying that "the government of archbishops and lord bishops, deans and archdeacons, etc., . . . with all its dependencies, roots

and branches, may be abolished, and all laws in their behalf made void, and the government according to God's Word may be rightly placed among us".[1] The presentation of this petition marked the beginning, faint as at first it was, of the definition of parties in Parliament. "It was well received," says Baillie; "there were many against, and many for the same," wrote his colleagues.[2] Clarendon denounces the "strange uningenuity and mountebankry that was practised in the procuring these petitions," but it seems idle to deny that they represented a considerable body of opinion. There were extremists on this side as on the other, but the significant point is that already the moderate party was coming into view. "Doubtless," said the Puritan D'Ewes,[3] "the Government of the Church of God by godly, zealous and preaching bishops hath been most ancient, and I should reverence such a bishop in the next degree to a King. But I protest in the presence of God that if matters in religion had gone on twenty years longer as they have done of late years, there would not in the issue so much as the face of religion have continued amongst us but all should have been overwhelmed with idolatry, superstition, ignorance, profaneness and heresy. As I allowed ancient and godly bishops so I disliked their baronies and temporal honours and employments."

It is obvious that the party which Falkland was to lead, and in a special sense to represent, was already in process of formation.

Further evidence of the growth of this moderate party is afforded by the presentation on 23rd January, 1641, of the

[1] Text in Rushworth, iv., 93 and, accessible to all, in *Constitutional Documents*, ed. Gardiner.

[2] Gardiner, ix., 247.

[3] Quoted by Shaw, *History of the English Church during the Civil War and under the Commonwealth*, i., 17.

"Ministers' Petition and Remonstrance".[1] This demanded not revolution, but reform, and on it was founded the subsequent proposal for the removal of the bishops from secular employment in general and the House of Lords in particular. Meanwhile the extreme Puritans in the House had not been idle. "Little Canterbury" was caged; so was Wren, Bishop of Norwich, and many leading Arminians; their victims were "vindicated," and resolutions were passed denying the power of the clergy to "make canons without common consent in Parliament".

On 8th February, 1641, the two great petitions—the "Root and Branch Petition" and the "Ministers' Remonstrance"—were taken into consideration by the House, and one of the most important debates of the session ensued. It was on this occasion that Falkland delivered the speech which may perhaps be regarded as his most powerful and elaborate effort. Its keynote is a statesmanlike avoidance of extremes. He did not spare the Arminian bishops—those who have been "the destruction of unity under pretence of uniformity," nor did he deny their responsibility for the outbreak of rebellion; but he candidly distinguished between the men and their order, and his essential conservatism comes out indisputably. Can it be the part of statesmanship "to abolish upon a few days' debate an order which hath lasted in most Churches these sixteen hundred years, and in all from Christ to Calvin". But so remarkable a speech must be quoted in full.

"He is a great Stranger in Israel, who knows not this kingdom hath long laboured under many and great oppressions, both in Religion and Liberty; and his acquaintance here is not great, or his ingenuity less, who doth not both know and acknowledge that a great, if not a principal cause of both these have been some Bishops and their adherents.

[1] See Shaw, i., 24, for summary of its "near four score heads".

"Mr. Speaker, A little search will serve to find them to have been the destruction of Unity, under Pretence of Uniformity; to have brought in Superstition and Scandal, under the Titles of Reverence and Decency; to have defiled our Church by adorning our Churches; to have slackened the strictness of that Union which was formerly between us, and those of our Religion, beyond the Sea; an Action as unpolitick as ungodly.

"Mr. Speaker, We shall find them to have tythed Mint and Anise, and have left undone the weightier Works of the Law; to have been less eager upon those who damn our Church, than upon those, who upon weak Conscience, and perhaps as weak Reasons (the dislike of some commanded Garment, or some uncommanded Posture) only abstained from it. Nay, it hath been more dangerous for men to go to some Neighbour's Parish, when they had no sermon in their own, than to be obstinate and perpetual Recusants; while Masses have been said in security, a Conventicle hath been a Crime; and which is yet more, the conforming to Ceremonies hath been more exacted, than the conforming to Christianity; and whilst men for Scruples have been undone; for attempts upon Sodomy they have only been admonished.

"Mr. Speaker, We shall find them to have been like the Hen in Æsop, which laying every day an Egg upon such a proportion of Barley, her mistress increasing her proportion in hopes she would increase her Eggs, she grew so fat upon that addition, that she never laid more: so tho' at first their Preaching were the occasion of their Preferment, they after made their Preferment the occasion of their not preaching.

"Mr. Speaker, We shall find them to have resembled another Fable, the Dog in the Manger; to have neither preached themselves, nor imployed those that should, nor suffered those that would; to have brought in Catechising

only to thrust out preaching; cried down Lectures by the name of Factions, either because other men's industry in that Duty appeared a reproof of their neglect of it, (not unlike to that we read of him, who, in Nero's time, and Tacitus' History, was accused, because by his vertue he did appear *Exprobare vitia Principis*) or with intention to have brought in darkness, that they may the easier sow their Tares while it was night; And by that introduction of Ignorance, introduce the better that Religion which accounts it the Mother of Devotion.

"Mr. Speaker, In this they have abused his Majesty, as well as the People; for when they had with great wisdom (since usually the Children of Darkness are wiser in their Generation than the Children of Light; I may guess not without some eye upon the most Politick action of the most Politick Church) silenced on both parts those Opinions which have often tormented the Church, and have, and will always trouble the Schools; they made use of this Declaration to tye up one side, and let the other loose; whereas they ought either in discretion to have been equally restrained, or in justice to have been equally tolerated. And it is observable, that that Party to which they gave this license was that whole Doctrine, tho' it were not contrary to Law, was contrary to Custome, and for a long while in this Kingdom was no oftner preached than recanted.

"The truth is, Mr. Speaker, That as some ill Ministers in our State first took away our Money from us, and after endeavoured to make our Money not worth the taking, by turning it into Brass by a kind of Anti-philosopher's Stone: so these men used us in the point of Preaching; first depressing it to their power, and next labouring to make it such, as the harm had not been much if it had been depressed: The most frequent Subjects even in the most

Sacred Auditories, being the *Jus divinum* of Bishops, and Tythes, the sacredness of the Clergy, the sacriledge of Impropriations, the demolishing of Puritanism and Propriety, the building of the Prerogative at Paul's, the introduction of such Doctrines, as, admitting them true, the Truth would not recompence the Scandal; or such as were so far false, that, as Sir Thomas Moore says of the Casuists, their business was not to keep men from sinning, but to confirm them; *Quam prope ad peccatum sine peccato liceat accedere:* so it seemed their work was to try how much of a Papist might be brought in without Popery; and to destroy as much as they could of the Gospel, without bringing themselves into danger of being destroyed by the Law.

"Mr. Speaker, To go yet further, Some of them have so industriously laboured to deduce themselves from Rome, that they have given great suspicion that in gratitude they desire to return thither, or at least to meet it half way: Some have evidently laboured to bring in an English, tho' not a Roman Popery: I mean not only the outside and dress of it, but equally absolute, a blind dependence of the People upon the Clergy, and of the Clergy upon themselves; and have opposed the Papacy beyond the Seas, that they might settle one beyond the water; Nay, common Fame is more than ordinarily false, if none of them have found a way to reconcile the Opinions of Rome to the Preferments of England; and to be so absolutely, directly and cordially Papists, that it is all that Fifteen hundred pounds a year can do to keep them from confessing it.

"Mr. Speaker, I come now to speak of our Liberties; and considering the great interest these men have had in our common Master, and considering how great a good to us they might have made that interest in him, if they would have used it to have informed him of our general Sufferings; and considering how a little of their freedom of speech at

White-Hall, might have saved us a great deal of the use we now have of it in the Parliament House; their not doing this alone, were occasion enough for us to accuse them as the Betrayers, tho' not as the Destroyers of our Rights and Liberties; tho' I confess, if they had been only silent in this particular, I had been silent too. But alas! They whose Ancestors in the darkest times excommunicated the breakers of Magna Charta, did now, by themselves, and their adherents, both write, preach, plot and act against it; by encouraging Dr. Beale, by preferring Dr. Manwaring, appearing forward for Monopolies and Ship-money: And if any were slow and backward to comply, blasting both them and their Preferment, with the utmost expression of their hatred, the title of Puritans.

"Mr. Speaker, We shall find some of them to have laboured to exclude, both all Persons, and all Causes of the Clergy, from the ordinary Jurisdiction of the Temporal Magistrate; and by hindering Prohibitions, (first by apparent Power against the Judges, and after by secret Arguments with them) to have taken away the only legal bound to their Arbitrary Power, and made as it were a conquest upon the Common-Law of the Land, which is our common Inheritance; and after made use of that Power to turn their Brethren out of their Freeholds, for not doing that which no Law of man required of them to do; and which (in their Opinions) the Law of God required of them not to do. We shall find them in general to have encouraged all the Clergy to Suits, and to have brought all Suits to the Council-Table; that having all Power in Ecclesiastical Matters, they laboured for equal Power in Temporal; and to dispose as well of every Office, as of every Benefice, which lost the Clergy much time, and much Reverence, (whereof the last is never given when it is so asked) by encouraging them indiscreetly to exact more of both than was due; so that indeed the

gain of their greatness extended but to a few of that Order, tho' the envy extended upon all.

"We shall find them to have both kindled and blown the common Fire of both Nations, to have both sent and maintained that Book, of which the Author no doubt hath long since wished with Nero, *utinam nescissem literas;* and of which more than one Kingdom hath cause to wish, that when he writ that he had rather burned a Library, though of the value of Ptolemy's. We shall find them to have been the first and principal cause of the breach, I will not say of, but since the pacification at, Berwick; we shall find them to have been the almost sole Abettors of my Lord Strafford, whilst he was practising upon another Kingdom that manner of Government which he intended to settle in this, where he committed so many mighty, and so manifest Enormities and Oppressions, as the like have not been committed by any Governour in any Government since Verres left Sicily; And after they had called him over from being Deputy of Ireland, to be in a manner Deputy of England, (all things here being governed by a Junctillo, and that Junctillo governed by him) to have assisted him in the giving such Councels, and the pursuing of such Courses, as it is a hard and measuring cast, whether they were more unwise, more unjust, or more unfortunate, and which had infallibly been our destruction, if by the Grace of God their share had not been so small in the Subtilty of Serpents, as in the Innocency of Doves.

"Mr. Speaker, I have represented no small quantity and no mean degree of Guile, and truly I believe that we shall make no little Complement to those, and no little Apology for those to whom this Charge belongs, if we shall lay the faults of these men upon the order of the Bishops, upon the Episcopacy. I wish we may distinguish between those who have been carried away with the stream, and

those who have been the stream that carried them; between those whose proper and natural motion was towards our Ruine and Destruction; and those who have been whirl'd about to it, contrary to their natural motion, by the force and swinge of superior Orbs; and as I wish we may distinguish between the more and less Guilty, so I yet more wish we may distinguish between the Guilty and the Innocent.

"Mr. Speaker, I doubt, if we consider, that if not the first Planters, yet the first Spreaders of Christianity, and the first and chief Defenders of Christianity against Heresie within, and Paganism without, not only with their Ink but with their Blood, and the main Conducers to the resurrection of Christianity at least here in the Reformation; and that we owe the light of the Gospel we now enjoy, to the Fire they endured for it, were all Bishops; and that even now in the greatest defection of that Order, there are yet some who have conduced in nothing to our late Innovations, but in their Silence; some who in an unexpected and mighty Place and Power have expressed an equal moderation and humility, being neither ambitious before, nor proud after, either of the Crosiers staff, or White staff; some who have been Learned Opposers of Popery, and Zealous Suppressors of Arminianism, between whom and their Inferior Clergy, in frequency of Preaching, hath been no distinction; whose Lives are untouch'd, not only by guilt, but by malice, scarce to be equalled by those of any Condition, or to be excelled by those in any Calendar; I doubt not, I say, but if we consider this; this Consideration will bring forth this Conclusion, That Bishops may be good men; and let us give but good men good Rules, we shall have both good Governors, and good Times.

"Mr. Speaker, I am content to take away all those things from them, which to any considerable degree of

probability, may again beget the like mischiefs, if they be not taken away. If their Temporal Title, Power and Employment, appear likely to distract them from the care of, or make them look down with contempt upon their Spiritual Duty, and that the too great distance between them, and occasion insolence from them to their Inferiors; let that be considered, and cared for, I am sure neither their Lordships, their judging of Tythes, Wills and Marriages, no nor their Voices in Parliaments, are *Jure divino;* and I am sure that their Titles, and this Power are not necessary to their Authority, as appears by the little they have had with us by them, and the much that others have had without them.

"If their Revenue shall appear likely to produce the same effects, for it hath been anciently observed, that *Religio peperit divitias C^ma^ filia devoravit matrem;* let so much of that as was in all probability intended for an attendant upon their Temporal Dignities, wait upon them out of the doors: Let us only take care to leave them such proportions as may serve in some good degree to the dignity of Learning, and the encouragement of Students; and let us not invert that of Jeroboam, and as he made the meanest of the people Priests, make the highest of the Priests the meanest of the People. If it be feared that they will again employ some of our Laws with a severity beyond the intention of those Laws against some of their weaker Brethren, that we may be sure to take away that Power, let us take away those Laws, and let no Ceremonies which any number counts unlawful, and no man counts necessary, against the Rules of Policy and Saint Paul, be imposed upon them. Let us consider, that part of the Rule they have hitherto gone by, that is, such Canons of their own making, as are not confirmed by Parliament; have been, or, no doubt, shortly will be by Parliament, taken away. That the other part of the Rule (such Canons as were here received before

the Reformation and not contrary to Law) is too doubtful to be a fit Rule, exacting an exact knowledge of the Canon Law, of the Common Law, of the Statute Law; knowledges, which those who are thus to govern have not, and it is scarce fit they should have. Since therefore we are to make new Rules, and shall, no doubt, make those new Rules strict Rules, and be infallibly certain of a Triennial Parliament, to see those Rules observed as strictly as they are made, and to increase or change them upon all Occasions, we shall have no reason to fear any innovation from their Tyranny or to doubt any defect in the discharge of their Duty. I am as confident they will not dare, either ordain, suspend, silence, excommunicate or deprive, otherwise than we would have them; and if this be believed, we shall not think fit to abolish, upon a few days' debate an Order which hath lasted (as appears by Story) in most Churches these sixteen hundred years, and in all from Christ to Calvin; or in an instant change the whole face of the Church like the Scene of a Mask.

"Mr. Speaker, I do not believe them to be *Jure divino*, nay I believe them not to be *Jure divino;* but neither do I believe them to be *Injuriâ humanâ;* I neither consider them as necessary, nor as unlawful, but as convenient or inconvenient: But since all great Mutations in Government are dangerous (even where what is introduced by that Mutation is such as would have been profitable upon a primary foundation) and since the greatest danger of Mutations is, that all the Dangers and Inconveniencies they may bring, are not to be foreseen; and since no wise man will undergo great danger but for great necessity, my Opinion is, that we should not root up this Ancient Tree, as dead as it appears, till we have tried whether by this, or the like lopping of the Branches, the sap which was unable to feed the whole, may not serve to make what is left both grow and flourish. And certainly

if we may at once take away both the Inconveniencies of Bishops, and the Inconveniencies of no Bishops, that is of an almost universal Mutation: this Course can only be opposed by those who love Mutation for Mutation sake.

"Mr. Speaker, To be short (as I have reason to be, after having been so long), this trial may be suddenly made: Let us commit as much of the Ministers' Remonstrance as we have read, that those Heads both of Abuses and Grievances which are there fully collected, may be marshall'd and ordered for our Debate; if upon the Debate it shall appear, that those may be taken away, and yet the Order stand, we shall not need to commit the London Petition at all, for the Cause of it will be ended; if it shall appear that the abolition of the one cannot be but by the destruction of the other, then let us not commit the London Petition, but let us grant it."

Falkland was preceded in the debate by Rudyard and Digby, and followed by Fiennes, Bagshaw, Harbottle Grimston and others. Rushworth describes the debate as "great and tedious," but the speeches may be read at length in his collection. In the main the debate would seem to have been maintained on a high plane of seriousness and excellence. Rudyard favoured the scheme of limited Episcopacy which afterwards took shape in the Lords' Bill on Church Reform. Digby argued for the reform but against the abolition of Episcopacy. Fiennes was frankly Presbyterian in tone. "Until the ecclesiastical government be something of another twist and be more assimilated to that of the Commonwealth, I fear the ecclesiastical government will be no good neighbour unto the civil." With the exception of Pleydell, there is no reported speech which could possibly have satisfied the Arminian party. But the ultimate issue of the debate was by no means disconcerting to the moderate Episcopalians. The general sense of the House

was clearly in favour of a reform of the "excrescenses" of Episcopacy, but against the destruction of the institution itself. In the event, the House resolved "that the Committee of twenty-four with the addition of these six—Sir Thos. Roe, Mr. Holles, Mr. Palmer, Mr. Holborne, Mr. Fiennes, Sir H. Vane—do take into consideration that part of the Ministers' Remonstrance that has been read, and the petition of the inhabitants in and about the city of London, and other petitions of the like nature that have been read, to prepare heads out of them for the consideration of the House, the House reserving to itself the main point of Episcopacy for to take it into their consideration in due time."

The result may be described as a compromise, but there can be no doubt that the balance of victory inclined towards those who, following the lead of Falkland, declined to play into the hands of the enemies of the established order in the Church. Episcopacy was not, for the moment at least, to be flung into the crucible. Baillie's comment reflects, accurately enough, the existing position. "All are for the erecting of a kind of Presbyteries, and for bringing down the Bishops in all things, spiritual and temporal, so low as can be with any subsistence: but their utter abolition, which is the only aim of the most Godlie, is the knott of the whole question: we must have it cutted by the axe of prayer; God, we trust, will doe it." He is still hopeful, but no longer confident.

In March things moved faster. Bills were introduced for the ejection of the bishops from the House of Lords and the Privy Council, and for disabling any clergyman from being in the Commission of the Peace or performing any secular functions. The first of these—popularly known as the *Bishops' Bill*—was read a first time on 30th March, 1641, and finally passed the House of Commons on 1st May. Its introduction was noteworthy as the only occasion

on which there was any serious difference of opinion between Falkland and Hyde. "When the Bill was put to the question, Mr. Hyde (who was from the beginning known to be an enemy to it) spake very earnestly 'for the throwing it out'. He said, 'It was changing the whole frame and constitution of the kingdom, and of the parliament itself; that, from the time that parliaments began, there had never been one parliament, when the bishops were not part of it: that if they were taken out of the house, there would be but two estates left; for that they as the clergy were the third estate, and being taken away, there was nobody left to represent the clergy: which would introduce another piece of injustice, which no other part of the kingdom could complain of, who were all represented in parliament, and were therefore bound to submit to all that was enacted, because it was upon the matter with their own consent: whereas, if the bishops were taken from sitting in the house of peers, there was nobody who could pretend to represent the clergy; and yet they must be bound by their determinations.' When he had done, the Lord Falkland, who always sat next him (which was so much taken notice of, that, if they came not into the house together, as usually they did, everybody left the place for him that was absent), suddenly stood up, and declared himself 'to be of another opinion; and that, as he thought the thing itself to be absolutely necessary for the benefit of the church, which was in so great danger; so he had never heard, that the constitution of the kingdom would be violated by the passing that act; and that he had heard many of the clergy protest that they could not acknowledge that they were represented by the bishops'. . . . And so, with some facetiousness, answering some other particulars, he concluded, for the passing the act."[1] With characteristic self-consciousness Clarendon declares that "the

[1] *History*, i., 383.

House was so marvellously delighted to see the two inseparable friends divided in so important a point that they could not contain from a kind of rejoicing," the more so as Falkland's speech had obviously taken Hyde by surprise. The Puritans indeed began to entertain "an imagination and hope that they might work the Lord Falkland to a further concurrence with them". They were soon undeceived "as there was not the least interruption of close friendship between the other two". The Bishops' Bill, however, was so fundamentally amended in the House of Lords (May 1641) that for the time being it was dropped.

On the 21st October a new Bill—commonly known as the Second Bishops' Bill—was introduced in the Commons to deprive the bishops of their "votes in Parliament," and to disable all clergymen "from the exercise of all temporal jurisdiction and authority". The Bill, substantially identical with that which the Lords had rejected in May, passed the House of Commons without serious opposition. Hyde still opposed it, and on this occasion he was supported by Falkland. What explanation can be given for this change of front? Falkland himself attributes it to the broken pledges of Hampden and his friends. Earlier in the year Hampden had assured him that "if that Bill (the first Bishops' Bill) might pass, there would be nothing more attempted to the prejudice of the Church". This, Falkland thought, "as the world then went, would be no ill composition". In regard to the bishops' seats in the House of Lords he did not himself feel strongly. To him it was a matter of expediency rather than of principle, and one which the House of Lords might well be left to decide for themselves. "We might presume that if they could make that appear, that they were a third estate, that the house of peers (amongst whom they had sat and had yet their votes) would reject it." The Lords had rejected it, and Hampden

might well regard himself as released by that rejection from his pledge to Falkland. That Falkland thought otherwise is clear, however, from what passed in the later debate. Taunted by Hampden with his change of sides, he retorted that "he had formerly been persuaded by that worthy gentleman to believe many things which he had since found to be untrue, and therefore, he had changed his opinion in many particulars as well as to things and persons". Such recriminations are not, of course, to be taken too seriously; they form the ordinary stock in trade of Parliamentary debate, and need not be held to impugn the honour or sincerity of either party. At the same time it may be well to point out that there was in this instance abundant justification both for Hampden and Falkland. Hampden's undertaking was not absolute but contingent upon the acceptance of the Bishops' Bill by the Lords: the Bill was not accepted, and his hands were consequently free. Falkland's support of the measure was similarly conditional upon the approval of the peers whom it more immediately concerned. That approval was withheld, and he also was free in future to take his own course.

Between the rejection of the first Bishops' Bill and the introduction of the second much had happened. The refusal of the Peers to accept a comparatively moderate proposal played—not for the last time—into the hands of the extremists in the Commons. This fact implies no condemnation of the Upper House. Believing the Bishops' Bill to be mischievous in tendency and subversive of the established order, they rightly declined to allow it to pass except in an emasculated form. "Lest a worse thing happen" is an argument to which a revising chamber must necessarily listen with considerable caution. In this case it was notorious that a worse thing was impending, and the

attitude of the peers was by no means unconciliatory. They declined to allow the exclusion of the spiritual peers from their House, but they agreed to the exclusion of the clergy generally from civil functions, and on 27th May they appointed a Committee to confer with the Commons on the Bill. The Commons, on their part, determined to prepare a statement of "reasons" on behalf of the Bill. These were reported to the House on 4th June, whereupon further suggestions were made. "The Lord Falkland," says D'Ewes, "Mr. Nath. Fiennes and one or two more gave some new reasons to be added to those former whilst we were voting the first six, and so it was ordered that they should retire into the Committee Chamber and draw those reasons which they did accordingly." In view of the intrinsic importance of the question, and of the fact that the last three articles "emanated from this strange combination, Falkland and Fiennes,"[1] it is worth while to print the reasons in full.[2]

"Reasons of the House of Commons why bishops ought not to have votes in the House of Peers :—

"(1) Because it is a very great hindrance to the discharge of their ministerial function.

"(2) Because they do vow and undertake at their ordination when they enter into holy orders, that they will give themselves wholly to that vocation.

"(3) Because councils and canons in several ages do forbid them to meddle with secular affairs.

"(4) Because the twenty-four bishops have a dependence on the two archbishops, and because of their canonical obedience to them.

"(5) Because they are but for life, and therefore are not fit to have legal power over the honours, inheritances, lives and liberties of others.

[1] Shaw, *op. cit.*, i., 64. [2] *C. J.*

"(6) Because of bishops' dependency and expectancy of translation to places of greater profit.

"(7) That several bishops have of late much encroached upon the consciences and liberties of the subject, and they and their successors will be much encouraged still to encroach, and the subject will be much discouraged from complaining against such encroachment, if twenty-six of that order be to be judges upon those complaints. The same reason extends to their legislative power in any bill to pass for the regulation of their power upon any emergent inconveniences by it.

"(8) Because the whole number of them is interested to maintain the jurisdiction of bishops, which hath been found so dangerous to the three kingdoms that Scotland hath utterly abolished it, and multitudes in England and Ireland have petitioned against it.

"(9) Because the bishops, being Lords of Parliament, it setteth too great a distance between them and the rest of their brethren in the ministry, which occasioneth pride in them, discontent in others, and disquiet in the Church.

"To their having votes a long time. *Answer:* If inconvenient, time and usage are not to be considered law makers. Some abbots voted as anciently as bishops, yet they were taken away. That for the bishops' certificate for plenary of benefice and loyalty of marriage the bill extends not to them. For the secular jurisdictions of the Dean of Westminster, the Bishops of Durham and Ely, and the Archbishop of York, which they are to execute in their own persons the former reasons show the inconveniences therein. For their temporal courts and jurisdiction, which are executed by their temporal officers, the bill doth not concern them."

In spite of these formulated "reasons" the Lords remained unconvinced, and on 8th June the Bill was rejected on the third reading.

Meanwhile the bolt had fallen. On the very day on which the Lords held their conference with the Commons (27th May), a Bill was introduced into the Lower House "for the utter abolishing and taking away of all archbishops, bishops, their chancellors, commissaries, deans, deans and chapters, archdeacons, prebendaries, chanters and canons and all other their under officers".[1] The nominal sponsor for the Bill was Sir Edward Dering, the weakly consequential member for Kent, but he himself tells us that the Bill was "pressed into his hands" by Sir A. Hazelrig, who similarly received it from Sir H. Vane and Oliver Cromwell. The leadership of the extremists was already falling into the hands of Cromwell and the younger Vane.

Nobody seems to have expected the "Root and Branch Bill" to pass into law; but there are various theories as to the object with which it was brought in. Some hold that it was merely intended to frighten the Lords into acceptance of the less radical proposal; but the dates, as Dr. Shaw points out, negative this view. Others suppose that the purpose was to test the feeling of the House of Commons. Be this as it may, the reception of the Bill was unexpectedly favourable. Mr. Hyde indeed "moved with great warmth that the Bill might not be read," and he adds that "the rejecting it was earnestly urged by very many". Among these was Falkland, who in the following powerful speech,[2] gives reasons for his opposition.

[1] Shaw, i., 75.

[2] Gardiner says (*ap. D.N.B.*) that this speech was delivered "either on 27th May or on some subsequent day when the Bill was in Committee"; but I can find no positive evidence of this. The speech is printed in Triplet's second edition of the *Discourse on Infallibility*. It is there described as "A draught of a Speech concerning Episcopacy by the lord Viscount Falkland found since his death amongst his papers, written with his own hand".

"MR. SPEAKER,

"Whosoever desires this totall change of our present government, desires it either out of a conceit that it is unlawfull or inconvenient. To both these I shall say something. To the first, being able to make no such arguments to prove it so my selfe as I conceive likely to be made within the walls of so wise a House I can make no answer to them till I heare them from some other; which then (if they perswade me not) by the liberty of a committee I shall doe. But this in generall: in the mean time I shall say, that the ground of this government of Episcopacy being so ancient and so generall, so uncontradicted in the first and best times, that our most laborious antiquaries can find no nation, no city, no church, nor houses under any other, that our first ecclesiasticall authors tell us that the apostles not only allowed but founded bishops, so that the tradition for some books of Scripture which we receive as canonicall is both lesse ancient, lesse generall, and lesse uncontradicted, I must ask leave to say, that, though the mystery of iniquity began suddenly to worke, yet it did not instantly prevaile; it could not ayme at the end of the race as soon as it was started, nor could Antichristianisme in so short a time have become so Catholique.

"To the second, this I say, that in this government there is no inconvenience which might not be sufficiently remedied without destroying the whole; and though we had not paird their nailes, or rather their tongues—I mean the High Commission—though we should neither give them the direction of strict rules, nor the addition of choyce assisters (both which we may doe, and suddenly I hope we shall), yet the feare sunk into them of this Parliament, and the expectation of a trienniall one, would be such bankes to these rivers, that we need feare their inundation no more.

"Next I say, that, if some inconvenience did appeare in

this, yet, since it may also appeare that the change will breed greater, I desire those who are led to change by inconveniences only that they will suspend their opinions till they see what is to be laid in the other ballance, which I will endeavour.

"The inconveniences of the change are double, some that it should be yet done, others that it should be at all done; the first again double, because we have not done what we should doe first, and because others have not done what they should doe first. That which we should doe first, is to agree of a succeeding forme of government, that every man, when he gives his vote to the destruction of this, may be sure that he destroyes not that which he likes better than that which shall succeed it. I conceive that no man will at this time give this vote who doth not believe this government to be the worst that can possibly be devised; and for my part, if this be thus preposterously done, and we left in this blind uncertainty, what shall become of us? I shall not only doubt all the inconveniences which any government hath, but which any government may have. This I insist on the rather, because, if we should find cause to wish for this back again, we could not have it; the means being disperst, to restore it again would be a miracle in state, like that of the resurrection to nature. That which others should do first is to be gone. For if you will do this, yet, things standing as they do, no great cause appearing for so great a change, I feare a great army may be thought to be the cause, and I therefore desire (to be sure that Newcastle may not be suspected to have any influence upon London) that this may not be done till our brethren be returned to their patrimony.

"We are now past the inconveniences in poynt of time; I now proceed, and my first inconvenience of this change is the inconvenience of change it selfe, which is so great an

inconvenience, when the change is so great and suddain, that in such cases, when it is not necessary to change, it is necessary not to change. To a person formerly intemperate, I have known the first prescription of an excellent physitian to forbeare too good a diet for a good while. We have lived long happily and gloriously under this form of government; it hath very well agreed with the constitution of our lawes, with the disposition of our people: how any other will doe I the lesse knowe because I know not of any other of which so much as any other monarchy hath had any experience, they all having (as I conceive) at least superintendents for life, and the mere word bishop, I suppose, is no man's aime to destroy, nor no man's aime to defend.

"Next, sir, I am of opinion, that most men desire not this change, or else I am certain there hath been very suddenly a great change in men; severall petitions indeed desire it, but, knowing how concerned and how united that party is, how few would be wanting to so good a worke, even those hands which values their number to others, are an argument of their paucity to me. The numberlesse number of those of a different sense appeare not so publiquely and cry not so loud, being persons more quiet, as secure in the goodnesse of their lawes and the wisdome of their law-makers, and because men petition for what they have not, and not for what they have, perhaps that the bishops may not know how many friends their order hath, least they be incouraged to abuse their authority if they knew it to be so generally approved. Now, sir, though we are trusted by those that sent us, in cases wherein their opinions were unknown, yet truly, if I knew the opinion of the major part of the town, I doubt whether it were the intention of those that trusted me that I should follow my own opinion against theirs; at least let us stay till the next session, and consult more particularly with them about it.

"Next, sir, it will be the destruction of many estates in which many who may be very innocent persons are legally vested, and of many persons who undoubtedly are innocent whose dependencies are upon those estates. The Apostle saith, he that provides not for his family is worse than an infidell: this belongs in some analogy to us; and truly, sir, we provide ill for our family, the common-wealth, if we suffer a considerable part of it to be turned out of doores, so that, for any care is taken by this bill for new dwelling (and I will never consent they shall play an after game for all they have), either we must see them starve in the streets before us, or, to avoid that, must ship them some whether away, like the Moores out of Spaine.

"From the hurt of the learned I come to that of learning, and desire you to consider whether, when all considerable maintenance shall be reduced to those which are in order to preaching, the arts and languages, and even eminent skill in controversies, to which great leasure and great means is required, much neglected, and, to the joy and gain of our common adversary, Syntagmes, Postylles, Catechismes, Commentators and Concordances almost only bought, and the rest of libraries remain rather as of ornament than as of use. I doe not deny but, for all this want, the wit of some hath been attempted both, and the parts of some few have served to discharge both, and those of *Calvin* to advise about and dispatch more temporall businesse into the bargain then all our Privy Councell. Yet such abilities are extreamly rare, and very few will ever preach twice a Sunday, and be any match for *Bellarmine;* nay, I feare, sir, that this will make us to have fewer able even in preaching it selfe, as it is separated from generall learning, for I feare many, whose parts, friends and meanes, might make them hope for better advancements in other courses, when these shall be taken away from this, will be lesse ready to embrace it; and

though it were to be wisht that all men should only undertake those embassages with reference to his honour whose embassadors they are, yet I doubt not but many who have entered into the church by the doore, or rather by the window, have done it after great and sincere service, and better reasons have made them labour in the vineyard then brought them thither at first; and though the meer love of God ought to make us good, though there were no reward or punishment, yet it would be very inconvenient to piety that hope of heaven and fear of hell were taken away.

"My next inconvenience, I feare, is this, that if we should take away a government which hath as much testimony of the first antiquity to have been founded by the apostles, as can be brought for some parts of Scripture to have been written by them, least this may avert some of our Church from us, and rivet some of the Roman Church to her: and as I remember, the apostle commands us to be carefull not to give scandall even to those that are without. Sir, it hath been said that we have a better way to know Scripture than by tradition: I dispute not this, sir, but I know that tradition is the only argument to prove Scripture to another, and the first to every man's selfe, being compared to the Samaritan woman's report, which made many first believe in Christ, though they after believed him for himselfe; and I therefore would not have this so farre weakned to us as to take away Episcopacy as unlawfull, which is so farre by tradition proved to be lawfull.

"My next inconvenience that I feare is this: having observed those generally who are against bishops (I will not now speak of such as are among us, who, by being selected from the rest, are to be hoped to be freer than ordinary from vulgar passions) to have somewhat more animosity against those who are for them than *vice versa*, least when they shall have prevailed against the bishops

they be so farre enraged against their partakers, and will so have discouraged their adversaries, as in time to induce a necessity upon others, at least of the clergy, to believe them as unlawfull as they themselves doe, and to assent to other of their opinions yet left at large: which will be a way to deprive us, I think, of not our worst, I am sure of our most learned ministers, and to send a greater colonie to *New England* than it hath been said this Bill will recall from thence.

"I come now from the inconveniences of taking away this government to the inconveniences of that which shall succeed it: and to this I can speake but by guesse and groping, because I have no light given me what that shall be; onely I hope I shall be excused for shooting at randome, since you will set me up no butt to shoot at. The first I feare the Scotch government will either presently be taken; or, if any other succeed for a while, yet the unity and industry of those of that opinion in this nation, assisted by the counsell and friendship of that, will shortly bring it in, if any lesse opposite government to it be here placed then that of Episcopacy. And indeed, sir, since any other government than theirs will by no means give any satisfaction to their desire of uniformity, since all they who see not the dishonour and ill consequences of it will be unwilling to deny their brethren what they esteeme indifferent, since our owne government being destroyed we shall in all likelyhood be aptest to receive that which is both next at hand and ready made: For thes reasons I look upon it as probable; and for the following ones, as inconvenient.

"When some bishops pretended to *jure divino* (though nothing so likely to be believed by the people as these would be, nor consequently to hurt us by that pretence), this was cry'd out upon as destructive to his Majesties supremacy, who was to be confessed to be the fountaine of jurisdiction in this kingdome. Yet to *jure divino* that

ecclesiasticall government pretends, to meet when they please, to treat of what they please, to excommunicate whom they please, even Parliaments themselves; so farre are they from receiving either rules or punishments from them. And for us to bring in any unlimited, any independent authority, the first is against the liberty of the Subject, the second against the right and privilege of Parliament, and both against the Protestation.

"If it be said, that this unlimitednesse and independence is onely in spirituall things, I first answer, that, arbitrary government being the worst of governments, and our bodies being worse than our soules, it will be strange to set up that over the second, of which we were so impatient over the first. Secondly, that *Mr. Sollicitor*,[1] speaking about the power of the clergy to make canons to bind, did excellently informe us what a mighty influence spirituall power hath upon temporall affaires, so that, if our clergy had the one, they had inclusively almost all the other. And to this I may adde, what all men may see, the vast temporall power of the Pope, allowed him by such who allow it him only *in ordine ad spiritualia:* for the fable will tell you, if you make the lyon judge (and the clergy assisted by the people is lyon enough), it was a wise feare of the foxes, least he might call a knubbe a horne. And sure, sir, they will in this case be judges, not only of that which is spirituall, but of what it is that is so: and the people, receiving instruction from no other, will take the most temporall matter to be spirituall, if they tell them it is so."

Despite this powerful opposition the Bill was read twice on the day of its introduction—the second time by 139 votes to 108.

On the motion to go into Committee there was "a very long debate" as to who should be in the chair. The pro-

[1] Oliver St. John.

moters of the Bill wanted "to put Mr. Hyde into the chair that he might not give them trouble by frequent speaking and not too much obstruct the expediting the Bill". Their opponents wanted Mr. Crewe. Eventually Hyde was chosen, and boasts that from the chair he was able to do much to retard the progress of the Bill. The measure excited, it would seem, little general interest in the House; the extreme Puritans mustered in force, but the attendance in Committee was so thin, especially after dinner, that Falkland used mockingly to say that "they who hated bishops hated them worse than the devil: and that they who loved them did not love them so well as their dinner". Notwithstanding Hyde's ingenious obstruction the Bill made considerable progress in Committee, but after the King's departure for Scotland it was virtually dropped, and when Parliament reassembled after the recess (20th October, 1641) it was finally abandoned.

On the following day (21st October) the Second Bishops' Bill was, as we have seen, introduced; in two days it was through the Commons and was read a first time in the Lords on 23rd October. There the matter rested for two months, and the Lords showed no disposition to resume consideration of it. But at the end of December the bishops—or a party of them—played into the hands of their enemies. Feeling was running high against them in London, and more than once bishops had been mobbed on their way to the House of Lords. On 30th December twelve bishops, swayed, as Clarendon puts it, "by the pride and insolence of that anti-prelatical Archbishop" (Williams of York), entered a formal protest against "all laws, orders, votes, resolutions and determinations, as in themselves null and of none effect," passed in their absence since 27th December, or hereafter to be passed "during the time of this their forced and violent absence". The protest may, considering

the circumstances, have been indiscreet, but it afforded no ground whatever for prosecution. The temper of both Houses was, however, curiously aroused; the twelve bishops were impeached for high treason and were committed to the Tower. Next day the Commons reminded the Lords of the neglected Bill. The Lords gave it a second reading on 4th February, 1642, and a third, under protest[1] from the Bishops of Winchester, Worcester and Rochester,[2] on the 5th. On 14th February, to the dismay of Hyde, it received the Royal assent. It was the last Act of real importance to which the King gave his assent before the outbreak of the Civil War.

To this step he was persuaded, according to Clarendon,[3] by Sir John Culpepper; but Culpepper's arguments were warmly seconded by the Queen, who seems to have been afraid that, if the concession were not made, her journey to the Continent might be stopped. Hyde was certainly in the intimate confidence of the King at this time, but his own words suggest, though he implies the contrary, that Falkland's opinion may well have coincided with that of Culpepper. The Churchmanship both of Culpepper and Falkland was of a very different colour from that of their unofficial colleague. Falkland, said the latter,[4] "had a better opinion of the Church of England, and the religion of it, than any other Church and religion; and had extraordinary kindness for very many church-men; and if he could have helped or prevented it, there should have been no attempts against it. But he had in his own judgment such a latitude in opinion, that he did not believe any part of the order or government of it to be so essentially necessary to religion, but that it might be parted with, and altered, for a notable public benefit or convenience; and that the crown itself ought to gratify the people, in yielding

[1] Not a formal one.
[2] Drs. Curle, Prideaux and Warner.
[3] *Life*, i., 114.
[4] *Ibid.*, i., 105.

to many things; and to part with some power, rather than to run the hazards which would attend the refusal. But he was swayed in this by a belief that the King would in the end be prevailed with to yield to what was pressed; and this opinion wrought too much upon too many." If any good political purpose could be served by the exclusion of the bishops from the House of Lords, Falkland was not the man—any more than Culpepper—to persuade the King to hold out against it.

But the Bishops' Exclusion Act, seriously as it affected the fabric of the State, did not in itself essentially touch the fabric of the Church. The Root and Branch Bill did. That Bill, however, was for the moment dropped. What reason can be assigned for the action, or rather the inaction of Parliament? Had the Bill served its purpose? Did Pym think that enough had been done? Was he afraid of consolidating the Royalist party? Were the extremists satisfied for the time being with exclusion? Were they too fully occupied with other things? All these reasons may well have been present to the minds of the leaders. But the essential reason was that they were not prepared with an alternative.

It requires some effort to enable the critic of to-day to grasp the situation. I have endeavoured in a previous chapter to explain it.[1] The "root and branch" reformer of to-day is, as regards the religious establishment, merely destructive. He is content to sever the connection of Church and State, and to leave it to "the Churches" to rebuild the spiritual edifices as they will. Not so the root and branch reformer of 1641. He still deemed it incumbent upon him to rebuild. The fibres of Church and State were too closely interwoven to permit the passing of an Act simply destructive in its operation. It was easy enough, for example, to

[1] Bk. i., ch. iii.

abolish, by a stroke of the pen, the Ecclesiastical Courts: but what was to be put in their place? Parliament might get rid of bishops and deans, but some provision would still have to be made for the government of the Church. This is the essential point of difference between the root and branch man of 1641 and the "liberationist" of to-day, and it is all important to understand it. The former had to deal with the Church; the latter is concerned with the Churches. Much as men might differ among themselves as to the particular form of ecclesiastical organisation which should represent the State in its spiritual aspect, most, if not all, were agreed in the conviction that such a representation was essential to the body politic. After the first civil war the Independent ideal forged more and more rapidly to the front, but as late as 1645 the main point at issue between the "out and out Presbyterians," like Baillie, and the "lame Erastian lawyers," such as Selden, was whether the State should be subordinate to the Church, or the Church to the State. Vane's proposal, when the Commons were in Committee on the Root and Branch Bill, not less than the Bill on Church Reform[1] read twice in the Lords, make it clear that had bishops been "extirpated" Parliament would still have felt it necessary to provide for the performance of many of their functions.

The fact is that the dominant sentiment of the Long Parliament as regards the Church was neither Episcopalian, Presbyterian nor Independent; it was Erastian. Amid infinite variety of opinions, two conclusions more and more clearly emerged: first, that there must be some form of ecclesiastical organisation; and, secondly, that whatever the form might be, its government must be strictly controlled by Parliament. It was this Erastian temper which in the autumn of 1641 secured for the King the adherence of the

[1] See Gardiner, *Documents*, p. 94, for text of this interesting proposal.

High Episcopalians, in 1642 that of the Broad Churchmen, and in 1646 that of the Presbyterians. Arminians like Clarendon, liberal Churchmen like Falkland, and Presbyterians like Baillie, were equally opposed, though on different grounds, to the dictation of a Parliamentary majority in the spiritual sphere. Yet none were prepared for, perhaps none perceived, the only logical alternative.

CHAPTER IV

THE GRAND REMONSTRANCE—FALKLAND AND PYM

IN order to present a clear and connected view of the Church question in the Long Parliament, and of Falkland's relation thereto, chronological narrative has been abandoned. It is necessary, therefore, briefly to recall the sequence of events.

On 9th September, 1641, Parliament, after ten months of continuous sittings, adjourned for a brief recess. A month earlier, on 10th August, the King, despite the urgent entreaty of Parliament, had set out for his northern kingdom. In this journey Parliament found fresh ground for the suspicions which for the last six months at least had never been long absent from their minds. Throughout that period their debates had been conducted under the constant dread that the King would throw himself upon the army and effect a *coup d'état*. The precise truth as to successive "Army Plots," with reports of which Pym periodically terrified the House, is still a matter for conjecture. Fortunately it is not essential to the immediate purpose to attempt a disentanglement of the confusion. All that need be said is, that as the archives are being gradually compelled to reveal the secrets of all hearts, it becomes increasingly clear that Pym's information though rarely precise was in the main substantially accurate. We may indeed take it for granted that had the King and Queen seen a favourable oppor-

tunity for the employment of force against Parliament they would not have scrupled to use it. What is more difficult to appreciate is the moral guilt which such action would have involved. That it would have been politically suicidal is indisputable: but why it should be more morally reprehensible for the King to employ the English army to coerce Parliament, than for Parliament to employ the Scotch army to coerce the King, is one of the many questions in which the orthodox historians have confused simple issues. It is, however, none the less important to remember that most of the work of the Long Parliament was done under the shadow of this fear.

Among those who pressed upon the King the advisability of postponing the journey to Scotland no one appears to have been more insistent than Falkland.

Throughout the summer he was untiring in the discharge of his Parliamentary duties, and it is plain that the confidence reposed by his fellow-members in his moderation, judgment and good sense was equal to his own conscientious zeal. His name was included in nearly all the more important of the innumerable committees appointed by the House, and he was frequently selected to manage and report on the conferences with the Lords. Nor did his duties cease with the adjournment, as he was called upon to serve on a committee appointed by the Commons to watch the progress of events—more particularly in Scotland—during the recess.

Parliament reassembled on 20th October, and it became immediately apparent that Pym and his friends of the extreme left had made up their minds to provoke an open rupture with the King.

Nor is it difficult to appreciate their reasons. The recess had witnessed a distinct and increasing reaction in the King's favour. Such reactions are common phenomena in the

history of popular movements, and we need be at no special pains to account for this one. None the less it is important to understand the reasons. Among these the most potent was probably the violence of the Parliamentary attack upon the Church. Even the Puritan May admits that "if Parliament had not so far drawn religion into their cause it might have sped better". The people had no love for the Arminian bishops, and had a wholesome dread of the jurisdiction of their courts; but there is no evidence that they desired a radical change of system. Still less is it clear that they were ready to embrace Presbyterianism. The bitter Presbyterianism of London gave it an entirely disproportionate influence upon the proceedings in Parliament; but outside London there was no enthusiasm for the Genevan system, except perhaps in Lancashire. On the other hand, there was a growing disgust at the outrages which were perpetrated in the churches. Clarendon declares that these outrages were actually instigated by the Parliamentary majority, and even May admits that Parliament did nothing to restrain them, being "either too much busied in variety of affairs, or perchance too much fearing the loss of a considerable party, whom they might have need of against a real and potent enemy". Another powerful reason for reaction was the pressure of Parliamentary taxation—imposed largely for the support of their Scotch allies. For eleven years the mass of the people had been virtually ignorant of taxation; individuals suffered, but the country at large escaped. The revival of Parliamentary sessions of course brought a renewal of regular taxation, a species of "constitutionalism" which could not be expected to enhance the value of popular institutions in the eyes of the taxpayers. Finally, things looked hopeful for peace. The King, contrary to expectation, had passed through the armies encamped in the North without an attempt to tamper with their loyalty. Those

armies were now happily disbanded ; the Scots had recrossed the Tweed before the end of September, and the English troops had dispersed. Was there not a reasonable chance that the quarrel might still be composed and that the King might be induced loyally to accept the position of a constitutional sovereign? So far as the country knew, his conduct, since Parliament met, had been unexceptionable. He had refused nothing that Parliament asked. He had assented to the revolutionary proposal that the existing Parliament should not be dissolved without its own consent; he had not withheld the sacrifice of his ablest and most devoted counsellor. More than that, he had been anxious to call to his counsels the leaders of the party which was predominant in Parliament. Something in the nature of a modern "ministry" might have been formed, including Lord Say, Lord Essex, Denzil Holles and Lord Bedford, with Pym himself as Chancellor of the Exchequer. No stronger proof of good faith could have been given by the King, and but for the death—ever to be lamented—of Lord Bedford, such a ministry would probably have been formed in the spring of 1641. Is it wonderful, in view of such considerations, that the country should, in the early autumn, have begun to settle down, or that men should have turned hopeful eyes towards the dawn of a brighter day?

It was this growing confidence in the King's good faith which Pym set himself steadfastly to combat. In this endeavour he was powerfully assisted by the current of events in Scotland and Ireland. Parliament had no sooner reassembled after the recess than Pym laid before it information as to the existence of a widespread conspiracy in the reactionary interest. In the midst of the debate letters arrived from Hampden, who was still in attendance on the King in Edinburgh, containing news of the "Incident". This was a plot, disclosed on 11th October, for the assassina-

tion of Argyle and Hamilton. No evidence has ever been produced to connect the King with this murderous design, but the news was sufficiently alarming to enable Pym to carry his point. Falkland and Hyde ridiculed the idea that danger could arise to England from an attack upon the Covenanter leaders in Scotland, and proposed that the business of Scotland should be left in the hands of the Scottish Parliament. But the fears of the Commons were aroused; resolutions were adopted for immediate conference with the Lords on the safety of the kingdom, and it was ordered that an express messenger be sent to the Committee of both Houses in Scotland to let them know "that the Parliament takes well their advertizement and that they conceive the peace of that kingdom concerns the good of this". The Lords immediately agreed that a hundred men from the trained bands of Westminster should be called up to guard the two Houses by day and night.

Ten days later news reached London of the outbreak of the Irish Rebellion. The wildest reports were quickly in circulation. Rumour had it that almost the whole Protestant population of Ulster had been put to the sword: Clarendon declares that 40,000 or 50,000 were murdered, and May puts it at 200,000. The lowest estimates were largely in excess of the truth. The news, however, was nothing less than a godsend to Pym. That the King had long been in negotiation with the Irish Lords was notorious: what more natural than to suppose that the explosion was due to his intrigues? Historical research has acquitted the King of all direct complicity in the rebellion, but as to the precise truth of the details we are not concerned. It is sufficient to note the effect of the news upon the political situation in England. Pym had long been anxious that Parliament should formulate and publish a manifesto against the King. His opportunity had come.

On 4th November Parliament, despite the warnings of Culpepper and Falkland, decided to accept the offer made by the Scottish Parliament to provide 1,000 men for the suppression of the Irish Rebellion. Anything more calculated to pour oil upon the flames in Ireland can hardly be conceived; but Pym was playing his game with consummate skill, and under repeated shocks administered by him Parliament was giving way to panic. On 5th November Pym again startled the House by a declaration which alike from the point of view of immediate results and of ultimate significance can only be described as epoch-making. No man was readier than himself, he declared, "to engage his estate, his person, his life for the suppression of the Irish Rebellion, but all that they did would be in vain as long as the King gave ear to the counsellors about him. His Majesty must be told that Parliament finds evil counsellors to have been the cause of all these troubles in Ireland; and that unless the Sovereign will be pleased to free himself from such, and take only counsellors whom the kingdom can confide in, Parliament will hold itself absolved from giving assistance in the matter." In these words Pym announced the central point of the scheme of reform to be subsequently embodied in the Grand Remonstrance.

The House seems instantly to have apprehended the significance of the declaration. A scene of great excitement ensued. Amid shouts of "Well moved, well moved," Hyde rose to oppose Pym's motion on the ground that by such an instruction "we should, as it were, menace the King". Pym was obliged for the moment to give way, but three days later (8th November) he again proposed his resolution and carried it by a majority of 151 to 110. In its later and amended form the resolution declared that the King should be asked "to employ only such counsellors and ministers as should be approved by his Parliament; failing which Parlia-

ment would be compelled to take measures on their own part, for the defence of Ireland and their own liberties, and to commend those aids and contributions which this great necessity shall require to the custody and disposing of such persons of honour and fidelity as we have cause to confide in."

On the same day the Grand Remonstrance was presented to the House.

That memorable manifesto consists of 204 clauses. These were debated *seriatim* often with great heat between 8th and 20th November. On the latter date the Remonstrance was laid upon the table in its complete form. Thereupon Pym, yielding to the pressure of Falkland and his friends, fixed the final debate for Monday, 22nd November. The extremists were disgusted at the delay. Cromwell, "who at that time was little taken notice of,"[1] asked Falkland as they left the House "why he would have it put off, for that day would quickly have determined it?" He answered, "There would not have been time enough, for sure it would take some debate". "A very sorry one," retorted Cromwell. "They supposing," adds Clarendon, "by the computation they had made, that very few would oppose it."

Monday, the 22nd of November, was one of the most fateful days in the history of the Long Parliament, and indeed in the history of England. The debate, contrary to Cromwell's expectation, was long and fierce. Starting "about nine of the clock in the morning, it continued all that day; and candles being called for when it grew dark . . . the debate continued, till after it was twelve of the clock with much passion". Hyde himself led off and was immediately followed by Falkland. "Lord Falkland (says Forster) rose immediately after Hyde, and, as his wont was, spoke with

[1] Clarendon, iv., 42.

greater passion in his warmth and earnestness; his thin high-pitched voice breaking into a scream, and his little, spare, slight frame trembling with eagerness. He ridiculed the pretention set up in the Declaration to claim any right of approval over the councillors whom the King should name; as if priest and clerk should divide nomination and approval between them. He denounced it as unjust that the concealing of delinquents should be cast upon the King. He said (forgetting a former speech of his own going directly to this point) it was not true to allege that Laud's party in the Church were in league with Rome; for that Arminians agreed no more with Papists than with Protestants. And, with the power to make laws, why should they resort to declarations? Only where no law was available were they called to substitute orders and ordinances to command or forbid. Reminding them of the existing state of Ireland, and of the many disturbances in England, he warned them that it was of a very dangerous consequence at that time to set out any remonstrance: at least such a remonstrance as this, containing many harsh expressions. Above all, it was dangerous to declare what they intended to do hereafter, as that they would petition his Majesty to take advice of his parliament in the choice of his privy council; and it was of the very worst example to make such allusion as that wherein they declared that already they had committed a bill to take away bishops' votes. He pointed out the injustice of imputing to the bishops generally the description of the Scotch War as *bellum episcopale*, which he asserted had been so used by only one of them. He very hotly condemned the expression of 'bringing in idolatry,' which he characterised as a charge of a high crime against all the bishops in the land. And he denounced it as a manifest contradiction and absurdity, that after reciting, as they had indeed sufficient cause to do, the many good laws

passed by a parliament of which bishops and Popish lords were component members, they should end by declaring that while bishops and Popish lords continued to sit in parliament no good laws could be made."[1] Dering followed Falkland in his opposition; Rudyard warmly approved the narrative portion of the Remonstrance, but objected "to what he would call the prophetic alpart". Pym's powerful reply was addressed, with true debating instinct, to Falkland; but neither now nor at any time during the last weeks did he lose hold of the vital clause of the Remonstrance. "We have suffered so much by counsellors of the King's chusing that we desire him to advise with us about it." Many speakers followed Pym, and not until after midnight was the question at last put. On the final division the Remonstrance was carried by 159 votes to 148. Both Clarendon and Whitelocke declare that the Puritans wore down their opponents by sheer physical endurance, and Rudyard compared the result to the "verdict of a starved jury". But in view of the fact that large numbers of members refused to return to Westminster for the autumn session, the division was a large one, and there is no reason to suppose that the Royalists were inferior in endurance to their opponents.

But even now the fight was not ended. The numbers were no sooner announced than Peard jumped up and moved that the manifesto should be printed. A scene of unparalleled confusion followed, which, but for Hampden's tact, might well have ended in a hand-to-hand fight. Palmer moved that the clerk should take down the names of the opponents of the Declaration with a view to ultimate protest. "All, all," shouted Hyde and his friends. "All,

[1] Forster, *Grand Remonstrance*, p. 287. Forster's account is obviously coloured by his own sympathies; but it is skilfully compiled from the notes of Verney and D'Ewes, and probably represents Falkland's utterance with as much accuracy as we can hope to attain.

all," re-echoed from all sides of the House. "Some," says D'Ewes,[1] "waved their hats over their heads, and others took their swords in their scabbards out of their belts, and held them by the pummels in their hands, setting the lower part on the ground; so, as if God had not prevented it there was very great danger that mischief might have been done." Sir Philip Warwick recalls with even more picturesque imagery his recollection of the famous scene: "I thought we had all sat in the valley of the shadow of death, for we, like Joab's and Abner's young men, had catcht at each others locks, and sheathed our swords in each others bowels, had not the sagacity and great calmness of Mr. Hambden by a short speech prevented it".[2]

The House rose "just when the clock struck two the ensuing morning," after deciding by 124 to 101 that the Declaration should "not be printed without the particular order of the House". As the members hurried out of the House Falkland paused to inquire sarcastically of Cromwell "whether there had been a debate?" To which Cromwell answered "that he would take his word another time": and whispered him in the ear with some asseveration "that if the remonstrance had been rejected he would have sold all he had the next morning, and never have seen England more; and he knew there were many other honest men of the same resolution". "So near," adds Clarendon in relating the story, "was the poor kingdom at that time to its deliverance."

No apology is needed for having described in considerable detail the circumstances attendant upon the passing of the Grand Remonstrance. Alike in the political life of Falkland and in the history of the rebellion it marks the parting of the ways. At this point every student of the period is compelled to pause and ask, "Should I have voted

[1] *Ap.* Forster, p. 324. [2] *Memoirs*, p. 202.

Aye or No; should I have stood with Falkland or with Pym?" No attempt can be made to answer the question here; but whatever the answer of individuals may be, no one will deny that the Remonstrance is a document of the first importance. Consisting in part of an historical retrospect recounting all the grievances which had accumulated since the accession of the King; in part of an outlined scheme of constructive reform, the Remonstrance was primarily intended to excite popular feeling against the reigning sovereign, to reanimate, as Hallam puts it, "discontents almost appeased," and to guard the people "against the confidence they were beginning to place in the King's sincerity". Two questions, therefore, may fairly be asked, (i) Was the appeal to the people against the Crown a political necessity? And (ii) Was the scheme of reform statesmanlike and sound? That nothing but necessity can justify a step which led inevitably to civil war needs no arguing. Lord Lytton, writing in 1860, regarded the Remonstrance as either a great blunder or a great crime—a blunder if Pym was sincere in his desire to retain the monarchy, a crime if he was not. Hallam, a generation earlier, held much the same view. Gardiner's guarded but decided approbation rests mainly upon the documents which in recent years have come to light, and which in the main tend to confirm Pym's deep-rooted conviction of the King's duplicity. If Charles I. was really sincere in the concessions which in the last twelve months he had made; if he was minded to play with straightforward honesty the part of a constitutional sovereign, the work of Hampden and Pym was both a blunder and a crime. The difficulty of the popular leaders was this. They were, as we now know, in possession of information sufficient to satisfy their own minds as to the intrigues of the Court, but not circumstantial or precise enough to convince others. Could they, in view of their own knowledge,

take the responsibility of allowing the country at large to bestow upon the King a renewal of confidence? But for the Scotch "Incident" and the Irish Rebellion they would probably have been compelled to run the risk. Puritans as they were they could hardly fail to discern in those opportune events the hand of the Lord pointing in the direction in which they were already fain to go.

To Falkland, on the other hand, the balance of argument seemed decidedly against a step which was admittedly revolutionary, and which could hardly fail to embroil the country in a fratricidal war. The danger of a *coup d'état* was not present to his mind, as it was to Pym's. Events in Scotland and Ireland would naturally wear a different aspect to one who was not yet convinced of the duplicity of the King, and who was entirely ignorant of the intrigues of the Queen. Moreover, he was not prepared to face the risks involved in the overthrow of the Monarchy and the Church. The Church of England, with all its defects, stood in his eyes for intellectual freedom and for moral order against the narrow intolerance, not to say the social anarchy, threatened by a Puritan ascendancy. The Crown stood for ordered political progress against the encroachments of a usurping assembly. And who shall say that Falkland was wrong? True it is that clause 197[1] of the Grand Remonstrance is the protoplasm of constitutional evolution as we in this country have conceived it. But that clause had no immediate results. The written Constitutions of the Commonwealth and Protectorate make no attempt to develope the idea of a Parliamentary executive, and the Cabinet system might, in its entirety, have been long deferred but for the accident that George I. had no English and Walpole no German. For all that, the secret of the future was with Pym; and Pym—as a Constitution maker—is entitled to

[1] *Cf.* chap. ii., p. 24, *supra.*

all the credit which properly belongs to one who is ahead of his time. But it must be remembered that England had to wade through a sea of blood to the realisation of Pym's ideal. Falkland and his friends may have seen less clearly the ultimate solution, or may have been less unwilling to postpone it, but they were more keenly alive to the immediate risks.

CHAPTER V

FALKLAND AS SECRETARY OF STATE

FALKLAND did not attempt to evade the obligations imposed upon him by his vote on the Grand Remonstrance. If he was not prepared to adhere to the programme of the popular leaders, he was bound to accept responsibility for the policy of the Crown. Three days after the passing of the Remonstrance, the King entered London in semi-triumph on his return from Scotland (25th November). On 1st December the Remonstrance was presented to him. Precisely a month later Falkland accepted office as Secretary of State and was sworn of the Privy Council.[1] Sir John Culpepper took office at the same time as Chancellor of the Exchequer. Hyde only declined the Solicitor-Generalship on the ground, as he assured the King, "that he should be able to do much more service in the condition he was in, than he should be if that were improved by any preferment that could be conferred upon him at that time"; and he added: "that he had the honour to have much friendship with the two persons who were very seasonably advanced by his Majesty, when his

[1] 1st January, 1641-42.—"This day Lucius Viscount Falkland was sworne of his Mats most Honble Privy Counsell, by his Mats command sitting in Counsell, took his place and signed with the other Lords."

8th January.—"This day his Matie present in Counsell and by his Royal Command the Lord Vt Falkland was sworne one of his Mats Principall Secretaries of State" (*Privy Council Register*).

Majesty's service in the House of Commons did in truth want some countenance and support; and by his conversation with them, he should be so well instructed by them, that he should be more useful to his Majesty than if he were under a nearer relation of dependence". The King graciously agreed, promised early preferment to Hyde, assured him that it was their friendship with him which had induced him to the choice of Falkland and Culpepper, begged the three friends to "confer together how to conduct his service in the House," and promised "that he would do nothing that in any degree concerned or related to his service in the House of Commons without their joint advice and exact communication to them of all his own conceptions". From this wise resolution the King, as the sequel will show, "in very few days very fatally swerved".

The King's efforts to obtain something in the nature of a "responsible" ministry have not perhaps received either the notice or the credit which they deserve. Lord Lytton[1] rightly lays great stress on the attempt, already noticed, to form a ministry under the Earl of Bedford, and thus to regulate the popular movement "to the ends compatible with constitutional monarchy by imposing on the conscience of its leaders the responsibilities that attach to the advisers of the Crown". This attempt made early in the session was unhappily frustrated by the death of Bedford. Three times at least during the last few months there had been rumours that Pym was to become Chancellor of the Exchequer: in February, again towards the end of April, and in December. Twice the King had sent for him to take counsel with him; so lately indeed as the morning of the day on which Culpepper received the seals. Naturally, however, since the autumn recess the King's

[1] *Op. cit.*

mind had been turning towards the men who, led by Falkland and Hyde, were organising a strong Royalist party in the House of Commons. So far back as July the King had sent for Hyde and had told him "that he heard from all hands how much he was beholden to him".[1] On 29th October Secretary Nicholas writes to the King to bring to his notice the notable services of this new Royalist party in the debate on "responsible" ministers. "I may not forbear to let your Majesty know that the Lord Falkland, Sir John Strangways, Mr. Waller, Mr. Edward Hyde and Mr. Holborne, and divers others, stood as champions in maintenance of your prerogative, and showed for it unanswerable reason and undeniable precedents, whereof your Majesty shall do well to take some notice, as your Majesty shall think best for their encouragement."[2] Shortly afterwards, Hyde was sent for to see Nicholas who lay sick in bed. "The business," says Clarendon, "was wholly to show him a letter from the King to him, in which he writ to him, that he understood, by several hands, that he was very much beholden to Mr. Hyde, for the great zeal he shewed to his service; and therefore commanded him to speak with him, and to let him know the sense he had of it; and that when he returned, he would let him know it himself."[3]

The debates on the Grand Remonstrance, and still more the divisions, made it manifest that the House of Commons would no longer present a united front of opposition to the Crown. Parties were becoming rapidly and clearly defined. Just as the "Root and Branch Bill" had given strength and cohesion to an Episcopalian party, so the Grand Remonstrance welded into a compact and homogeneous whole the scattered adherents of the monarchy. From among the leaders of this new Royalist party the

[1] *Life*, i., 93. [2] Forster, 193. [3] *Life*, i., 94.

King naturally selected his new ministers. Hyde, whose personal acquaintance the King had made, as we have seen, in the summer, was the man selected to conduct the negotiations. Such negotiations are always delicate, and in the present instance they were peculiarly difficult. It required all Hyde's powers of persuasion to induce Falkland to accept office. Personal inclination drew the latter—so Clarendon affirms—rather to the side of "King" Pym than King Charles, for "he had great esteem for all men of great parts, though they applied them to ill purposes".

The following passage, though often quoted, gives such a vivid picture of Falkland's attitude at this important juncture that it cannot be omitted here: "The King knew them (Culpepper and Falkland) to be of good esteem in the house, and good affections to his service, and the quiet of the kingdom; and was more easily persuaded to bestow those preferments upon them, than the Lord Falkland was to accept that which was designed to him. No man could be more surprised than he was, when the first insinuation was made to him of the King's purpose: he had never proposed any such thing to himself, nor had any veneration for the court, but only such a loyalty to the person of the King as the law required from him. And he had naturally a wonderful reverence for parliaments, as believing them most solicitous for justice, the violation whereof, in the least degree, he could not forgive any mortal power: and it was only his observation of the uningenuity and want of integrity in this [parliament], which lessened that reverence to it, and which had disposed him to cross and oppose their designs: he was so totally unacquainted with business, and the forms of it, that he did believe really he could not execute the office with any sufficiency. But there were two considerations that made most impression upon him; the one, lest the world should believe, that his

own ambition had procured this promotion; and that he had therefore appeared signally in the house to oppose those proceedings, that he might thereby render himself gracious to the court: the other, lest the King should expect such a submission, and resignation of himself, and his own reason and judgment, to his commands, as he should never give, or pretend to give; for he was so severe an adorer of truth, that he could as easily have given himself leave to steal as to dissemble; or to suffer any man to think that he would do anything, which he resolved not to do; which he thought a more mischievous kind of lying, than a positive averring what could be most easily contradicted."[1] To the plea of inexperience Hyde rejoined that "in those parts of the office which required most drudgery he would help him the best he could and would quickly inform him of all the necessary forms". But the conclusive argument was an appeal rather to his patriotism than to his loyalty. "Above all he prevailed with him, by enforcing the ill consequences of his refusal to take the office, which would be interpreted to his dislike of the court, and his opinion that more would be required from him than he could honestly comply with, which would bring great prejudice to the King: on the other hand, the great benefit that probably would redound to the King, and the kingdom, by his accepting such a trust in such a general defection, by which he would have opportunity to give the King a truer information of his own condition, and the state of the kingdom, than it might be presumed had been given to him, and to prevent any counsels or practice, which might more alienate the affections of the people from the government; and then, that by this relation he would be more able to do the King service in the house, where he was too well known to have it believed, that he attained to it by any unworthy

[1] *Hist.*, ii., 89.

means or application. In the end," adds Clarendon, "he was persuaded to submit to the King's good pleasure, though he could not prevail upon himself to do it with so good a grace, as might raise in the King any notable expectation of his departing from the severity of his own nature." [1]

That Falkland took up his new duties with foreboding is certain. He was attached to the monarchy but not to the King. "He had not the court in great reverence and had a presaging spirit that the King would fall into great misfortune: and often said to his friend that he chose to serve the King because honesty obliged him to it; but that he foresaw his own ruin by doing it." [2] These passages afford ample evidence of Falkland's feelings at this important crisis of his life, and there is no reason to doubt the substantial accuracy of Clarendon's recollections. No purpose was to be served by misrepresentation. It is therefore difficult to treat with patience the unsupported assertion of Forster that Falkland was an "easy prey to the persuasive arts that seduced him to the service of the King".[3] He took service with unfeigned reluctance, and upon a nice calculation of conflicting arguments.

Could a patriot who was attached to the monarchical principle and who desired the maintenance of the Church of England have acted otherwise at this critical juncture? In the few weeks which had elapsed since the acceptance of the *Remonstrance*, Pym had made it abundantly clear that he would stick at nothing to attain his ends. The attack on the Crown was to be followed by an attack on the House of Lords. If the peers would not move in the direction indicated by him, the Commons would proceed to the necessary work without them. Even more sinister was

[1] *Hist.*, ii., 90. [2] Clarendon, *Life*, i., 104.
[3] *Grand Remonstrance*, 173.

his increasing reliance upon the London mob. We have already seen the effect of such coercion upon the bishops. Similar persuasion was now applied to all those who declined to accept the will of the majority in the Lower House. Falkland himself was among the sufferers.[1]

It is difficult to believe that under these circumstances the inevitable reaction could have been much longer delayed. But at this supreme crisis the King, by an act of incredible folly, played straight into the hands of Pym.

On 3rd January, 1642, Sir Edward Herbert, the Attorney-General, suddenly appeared in the House of Lords to impeach for high treason Lord Kimbolton,[2] and five members of the House of Commons, Pym, Hampden, Holles, Haselrig and Strode, the charge being that "they had traitorously conspired to levy and actually had levied war upon the King". Immediately afterwards the Serjeant-at-Arms appeared in the Commons to demand in the King's name the arrest of the incriminated members. The Commons thereupon appointed a Committee to attend his Majesty and to acquaint him "That this message from his Majesty was a matter of great consequence, that it concerneth the privilege of Parliament . . . that this House will take it

[1] Mr. Macray prints in his edition of *Clarendon* the following interesting passage which is erased in the MS. See *Clarendon* (ed. Macray, iv., 129) :—

". . . treating likewise some members of the House of Commons very rudely, as they passed upon messages and conferences between the two Houses, when they used those of the members who were grateful to them with great respect and observance. And those with whom they were displeased, when they could sever them from the rest, they crowded, and pressed, and trod upon ; and had several papers in their hands, which they read with a loud voice, standing upon the table and in other places of the Court of Request, in which they read the names of several persons under the style of 'Persons disaffected to the Kingdom,' amongst which Sir John Strangeways was first and Mr. Hyde was the second, and then the Lord Falkland and Sir John Culpeper ; and the rest who were most troublesome to them were likewise nominated."

[2] Afterwards Earl of Manchester.

into serious consideration . . . and in the meantime the said members shall be ready to answer any legal charge laid against them". It is worthy of note that Culpepper and Falkland—the recently appointed ministers—were two of the four members thus appointed to wait upon the King.

On the following day (Tuesday, 4th January) "the Lord Falkland reported the King's answer to the message of this House delivered the last night to his Majesty, that his Majesty asked them, whether the House did expect an Answer? They replied, they had no more in Commission to say, but only to deliver the message: the King asked them as private Persons, what they thought of it? They said, they conceived the House did expect an answer; but his Majesty was informed the House was up, so he said he would send an Answer this morning, as soon as this House was set; but in the mean time he commanded them to acquaint the House, that the Serjeant at Arms did nothing but what he had directions from himself to do."[1] The five members were all present: but later in the day news reached the House, through the perfidy of Lady Carlisle, that the King was coming in person to arrest them. The members were bidden to withdraw. The King arrived with an armed force, passed through the lobby and entered the House. The scene that followed is thus quaintly described by an eye-witness, Verney: "Then the kinge steped upp to his place and stood uppon the stepp, but sate not doun in the chaire. And, after hee had looked a greate while, hee told us, hee would not breake our priviledges, but treason had noe priviledge; hee came for those five gentlemen, for hee expected obedience yeasterday, and not an answere. Then hee calld Mr. Pim, and Mr. Hollis, by name, but noe answere was made. Then hee asked the Speaker if they were heere, or where they were. Uppon

[1] Nalson, ii., 816.

that the Speaker fell on his knees, and desierd his excuse, for hee was a servant to the House, and had neither eyes, nor tongue, to see or say anything but what they commanded him. Then the king told him, hee thought his owne eyes were as good as his, and then said his birds were flowen, but hee did expect the House should send them to him, and if they did not hee would seeke them himselfe, for there treason was foule, and such an on as they would all thanke him to discover. Then hee assured us they should have a fair triall, and soe went out, putting off his hat till hee came to the dore." [1]

Baffled at Westminster the King sought the fugitives in the city; but the Common Council was as firm as Parliament. Meanwhile a Committee of twenty-four members was appointed by the Commons to sit at the Guildhall. It is significant of their relations to the House that of this Committee also Falkland and Culpepper were members. London was strongly moved by the attack on Parliament. The city trained-bands were called out: Skippon was appointed to the command: the seamen in the Thames volunteered for the defence of Parliament. Even Charles felt that in London the game was up; on 10th January he and the Queen left Whitehall; on the 11th the impeached members returned in triumph to Westminster.

The incident has been endlessly discussed, and in particular many words have been wasted in demonstrating the unconstitutional character of the King's proceedings. Such demonstration would seem to be entirely beside the point. The King's action was of course, from first to last, hopelessly irregular; but who among the supporters of the Grand Remonstrance could afford to cast the first stone? The King's real crime was not the attempt but the failure. Nothing could justify such outrageous conduct except complete success.

[1] Verney, 139.

A wise man, or even a clever man, would have left nothing to chance in an enterprise on the success of which everything depended. Charles, hesitating to the last, uncertain whether to proceed by quasi-legal methods or to employ force, left everything to chance. Why, if an arrest was intended, it was not quietly effected without the gratuitous violation of Parliamentary privileges must for ever remain a mystery. Perhaps the King's precipitate haste was simply due to the fatuous instigation of the Queen. Perhaps it was due to the folly of Digby "thinking difficult things too easy". It is impossible definitely to say. But out of a maze of uncertainties one or two certainties emerge. First: it is certain that no atom of responsibility can attach to the recently appointed Secretary of State. Forster[1] indeed, though he dare not accuse him will not acquit him; but, the action of the House in naming Falkland to be a member of the Committee at the Guildhall is conclusive proof that not even his opponents imputed complicity to him. Clarendon speaks of the "discouragement they had so lately received in the King's going to the house to demand the five members, without ever communicating his intention to them, and which had made a deep impression upon them".[2] A modern Secretary of State would, of course, under similar circumstances have tendered his resignation at once. Danby, under circumstances exactly parallel, was impeached. But between 1642 and 1679 the doctrine of ministerial responsibility had obtained larger acceptance. Falkland may well have despaired of the cause which he had espoused, and of the master whom he had undertaken to serve, but he did not feel justified in deserting him because he had been guilty of criminal folly.

A second point emerges with equal clearness. The King's action "much advanced the spirits of the dis-

[1] *Five Members*, II. [2] *Life*, i., 102.

EDWARD HYDE, EARL OF CLARENDON

AFTER THE PICTURE BY SIR PETER LELY

affected" and correspondingly depressed those of his well-wishers. It was indeed fatal to the cause of peace. Lord Macaulay speaks of the attempt as "undoubtedly the real cause of the war". But to ascribe the civil war to any single cause, most of all to ascribe it to a single incident is curiously unphilosophical. Forster[1] is substantially in accord with Macaulay. With more accuracy Clarendon speaks of it as "the most visible introduction to all the misery that afterwards befell the King and kingdom". The "visible introduction" it was; but not the cause.

But while Clarendon, the historian, must necessarily condemn, Hyde, the confidential counsellor, was faithful to his trust. Before leaving Whitehall the King renewed his commands to Falkland, Culpepper and Hyde "to meet constantly together and consult upon his affairs, and conduct them the best way they could in the Parliament, and to give him constant advice what he was to do, without which, he declared again very solemnly, he would make no step in the Parliament. Two of them were obliged by their offices and relations, and the other by his duty and inclination, to give him all satisfaction."[2] The following passage in Clarendon's autobiography throws additional and interesting light alike upon the political organisation of the day, and upon the mutual relations of the three principal advisers of the unhappy King: "They met every night late together, and communicated their observations and intelligence of the day; and so agreed what was to be done or attempted the next; there being very many persons of condition and interest in the house who would follow their advice, and assist in anything they desired. And because Mr. Hyde had larger accommodation in the house where he lived in Westminster than either of the other had, the meetings at night were for the most part with him; and after their deliberation together,

[1] *Five Members*, 184-200. [2] *Life*, i., 102.

what was to be put in writing was always committed to Mr. Hyde; and when the King had left the town, he writ as freely to the King as either of the other did; and sometimes, when they would be excused he went to him in great secret."[1]

The meetings at Hyde's house naturally became known, and still further increased the suspicions of the popular leaders already incensed against him for "disposing the Lord Falkland to serve the court and the court to receive his service". When they discovered that "a Secretary of State and a Chancellor of the Exchequer went every day to the lodging of a private person, they believed it a condescension that had some other foundation than mere civility; yet they could not discover anything against them which they thought fit to offer in public".[2] Clarendon is at pains to make it clear that while his friendship with Falkland was "most entire," their common association with Sir John Culpepper was purely official, "their natures being in nothing like". None the less, despite important differences in point of view (on the Church question for example), despite also occasional roughnesses of temper, the combination was singularly successful. "When any advice," says Clarendon, "was given by either of the other, the King usually asked 'whether Ned Hyde were of that opinion,' and they always very ingenuously confessed that he was not: but his having no relation of service, and so no pretence to be seen often at court, and the great jealousy that was entertained towards him, made it necessary to him to repair only in the dark to the King upon emergent occasions, and leave the rest to be imparted by the other two: and the differences in their natures and opinions never produced any disunion between them in those councils which concerned the conduct of the King's

[1] i., 102. [2] *Life*, i., 104.

service, but they proceeded with great unanimity, and very manifestly much advanced the King's business from the very low state it was in when they were first trusted; the other two having always much deference to the Lord Falkland, who allayed their passions, to which they were both enough inclined."[1]

Falkland's moderating influence was doubtless invaluable: his Parliamentary position was strong, and his temper was admirable. But Hyde was the draughtsman of the little cabinet. Before the King finally left London for the North, he had a consultation with Hyde at Greenwich, and required him to "advertise him of such matters as were fit for him to know; and to prepare and send him answers to such declarations or messages as the parliament should send to him". To avoid suspicion or danger to Hyde, the King promised to copy all the answers in his own hand and burn the originals. This he invariably did, "which sometimes took him up two or three days and a good part of the night".

The nature of the advice thus tendered to the King by his sagacious and devoted servant the following chapter will disclose.

[1] *Life*, i., 111.

CHAPTER VI

ON THE EVE OF WAR

THE Grand Remonstrance was, in effect, a declaration of war. The attempted arrest of the five members was the King's mismanaged and ineffectual rejoinder. Falkland, a genuine lover of peace, strongly opposed the first, and bitterly lamented the second. But despite provocations on both sides he stuck loyally to his post, and, for the next few months, did all that in him lay to postpone, and if possible avert, the all but inevitable appeal to arms.

Meanwhile, Parliament flinging aside all constitutional restraint set itself to raise an armed force. Apart from ultimate possibilities two immediate necessities might be held to justify such action. Parliamentary privileges had to be protected from armed invasion, and the Irish Protestants to be rescued from Catholic violence. But it is characteristic of the situation that debate on constitutional aspects of the "Militia" question proceeded simultaneously with decisive action on the part of both combatants. On 17th December a Militia Bill had been introduced into the House of Commons, and before the end of the month had passed its second reading. It is justly described by Gardiner as a "root and branch Bill to regulate the army". Had it become law the King's command over the armed forces of the realm would have been transferred to Parliament. And it was on this issue that the rupture finally took place. It was

one on which neither side could give way. Anxious as the English Puritans were to send to the relief of their co-religionists in Ireland, they were not prepared to place in the King's hands a powerful engine to be used against themselves. The King, professing equal solicitude for his Irish subjects, was not disposed to part with a power which alike by law and constitutional convention was indisputably his own. On the other outstanding question—the exclusion of the bishops from the House of Lords—the King, as we have seen, gave way. On the militia question no compromise was possible. Meanwhile, pending a legislative decision, Parliament hastened to usurp a power which they could not legally obtain. The London trained-bands had been already called out and placed under the command of Major-General Skippon, a stout soldier well affected to Parliament. Towards the end of January the Commons demanded that the fortresses and militia should be placed in the hands of persons in whom Parliament could confide. The Lords refused to join in the demand, and the King returned an evasive answer which was formally voted to be a denial. On this the Commons produced the "Militia Ordinance," conferring power upon persons to be subsequently named to train the inhabitants in each county for war. To this "Ordinance" the King's final answer was a proclamation that no one should presume "upon any pretence of order or ordinance to which his Majesty was no party concerning the militia or any other thing to do or execute what was not warrantable" by the laws. On the receipt of this answer Parliament in "choler and rage" took the matter into their own hands. Hull—the most important arsenal, and perhaps the most important seaport in the kingdom—had been already secured by the Hothams despite the King's efforts to anticipate them. On 23rd April Charles in vain demanded admission "to view his magazines". Newcastle

was occupied by its Earl in the King's interest (17th June), but only just in time. Portsmouth was held for him by the double-traitor, Goring. But Newcastle and Portsmouth were of little value without a fleet, and on 2nd July the fleet accepted the command of Warwick, and Warwick secured its allegiance to the Parliament.

"This loss of the whole Navy" was, as Clarendon justly observes, "of unspeakable ill consequence to the King's affairs." The influence of sea-power upon the progress and ultimate issue of the English civil war has been curiously neglected by most historians. Clarendon's strong hint might have been expected to stimulate curiosity in this direction, but it has signally failed to do so. Yet it is not too much to assert that the strategy of the struggle was largely determined by the fact that Parliament had command of the sea, and were thus able to sustain the resistance of Gloucester, Plymouth and Hull—three ports in the heart of Royalist country, and vitally important to the prosecution of the King's plan. The whole subject is well worthy of detailed investigation, but it cannot be pursued here.

Notwithstanding overt acts of war, negotiations between King and Parliament were continued until the middle of July. From the time, however, when the King left London there was little hope of an amicable issue. February was spent mostly at Theobalds; on the 25th the King got the Queen safely away to Holland with the Crown jewels, and on 3rd March, against the wish of both Houses, he himself set out for the North. On the 19th he rode into York which became for the next few months the headquarters of the Royalist party.

Falkland, Culpepper and Hyde remained behind to watch over the King's interests at Westminster, not without peril to themselves. Soon after the King's departure Culpepper, almost as well served in the matter of spies

as Pym himself, brought news to his colleagues that there was a design on foot to commit them all to the Tower. It had been agreed apparently that somebody was to move the House "that they would apply themselves to make some strict enquiry after the persons who were most like to give the King the evil counsel he had lately followed and who prepared those answers and messages they received from his Majesty". The three ministers were then to be named and committed to the Tower. Culpepper's information frustrated the plan, and the friends agreed that henceforward they would never all be together at the House and "seldom two of them," and would, to avoid an excuse for the enemies, intervene as little as possible in debate.

The delicate position of the members of this embryo cabinet, and the suspicions with which they were beginning to be regarded in the House, may be judged from the following letter written by Falkland to Hyde on 23rd March. It is worth quoting alike in illustration of Falkland's familiar epistolary style and of his relations with his friend :—

"DEAR SWEETHEART,

"The Lords sent to us to-day to desire that we would make haste to proceed with the charges of my Lord of Canterbury, and the other delinquents accused before them. Among the rest, the judges were named, in particular Judge Berkley ; and Mr. Peard then named you, as having been in that chair, and so fitted to attend that business, both to inform us, and be employed by us. He added, that he doubted not you were very perfect in it ; for though you were sometimes at a committee in the morning, yet the afternoons he supposed you spent about that, because you were never in the House. To this I replied, that in the charge against Judge Berkley (which was to precede the rest, because he stands committed, and none of the rest, and

the Lords had once set him a day for his trial and we had deferred it) you were not engaged by the House, but reserved for those judges whose charge you had yourself carried up. I told them that you had, this good while, great inclinations to the stone, so that, if you sat above an hour or two at a time, it put you to much pain, which had made you attend the House so seldom, and yet allowed you to be at a committee sometimes, which sits but a little at a time, and which had carried you now for a time into the country, to try how air and riding would mend you. Mr. Hunt replied that, having been in that chair, you would be necessary as well to Judge Berkley's business as to that of the Chequer Judges; and Mr. Morley fell again upon you for not waiting upon the House, and yet attending the Dover Committee so duly; and said the House was not to take notice of any man's being out of town who had not leave to go, and so moved (which was ordered accordingly) that the House should order you to attend to-morrow morning. I thought fit to let you know it, that you may rise at three of the clock to-morrow and be here time enough if you please. You know I never take it upon me to counsel, nor will add any more than that I am,

"Sweetheart, y^r^ most affect humble servant,

"FALKLAND.

"March 23, 164½.—The House sits more early in the morning to-morrow, and no more in the afternoon."

Such was the precarious position of Falkland and his friends in London. The King, on the other hand, safe for the time at York, deemed it a convenient opportunity to inflict a petty personal slight upon two of his household officers against whom the Queen had conceived a bitter prejudice. Lord Essex was Chamberlain and Lord Holland Groom of the Stole; and, despite the urgent entreaties of "the persons

trusted by his Majesty," Lord-Keeper Littleton was ordered "to require the staff and key from the one and the other". Littleton's courage failed him, and he begged Falkland to make his excuses to the King. Thereupon the King wrote, "all in his own hand," to the Secretary, commanding him "to require the surrender of the ensigns of their offices from those two Earls". Falkland liked the job as little as Littleton, thinking it more proper to "a gentleman usher" than a Secretary of State. He would not, however, disobey the King, and being on friendly terms with both Essex and Holland he carried out his master's orders with all the tact and consideration possible under the disagreeable circumstances. The incident was at once reported to the House of Lords: both Houses "took notice of it with passion," and immediately passed a vote "that whosoever presumed to accept of either of those offices should be reputed an enemy to his country". Holland's enmity was of small moment, but Clarendon bitterly laments, not for the first time, the King's folly in alienating Essex without whom "it had been utterly impossible for Parliament to have raised an army then". Unfortunately, it was not the last occasion on which the King choose rather to gratify the violent passions of the Queen than defer to the wise counsels of his friends.

His own inclination was to treat the Lord-Keeper Littleton as he had treated Essex and Holland, and to offer his place to Selden or Bankes; but in this case the advice of Falkland and Hyde was allowed to prevail, and Littleton, to the consternation and confusion of Parliament, carried off the Great Seal to York. Many of the King's supporters in both Houses were now making their way to the North. Their departure rendered still more difficult the position of those who remained at Westminster. Hyde in particular was an object of suspicion; the King badly wanted him at York,

and towards the end of May he left London for Sir Henry Lee's seat at Ditchley, there to await further news from Falkland. Falkland learnt from his friend Dr. Morley that it was intended to accuse Hyde of high treason and bade him make all speed to York. With Chillingworth's help he got safely as far as Nostall, and ultimately joined the Court at York, there to resume his secretarial work for the King.

The King, meanwhile, had issued orders for the Courts of Law and the two Houses to adjourn to York. Parliament intervened to prevent obedience to the former order, but day by day, despite efforts to restrain them, its own members slipped away. Ultimately not more than thirty peers and three hundred commoners were left at Westminster, a large majority of the Upper House and a considerable minority of the Lower having thrown in their lot with the King.[1] Falkland and Culpepper joined the Court early in June, having stayed in London until the last moment in order to draft the answer to the Nineteen Propositions. The latter document was approved in Parliament on 1st June.

During the last months before the actual outbreak of the war the air was positively laden with Remonstrances, Petitions, Counter-petitions, Proposals and Counter-proposals. Many of these may be read at length in Clarendon, who was largely responsible for the papers which emanated from York. In all these it was his supreme object to exhibit the King as the champion of law against the assaults of lawless innovators. "The King's resolution was," he writes, "to shelter himself wholly under the law; to grant anything that by the law he was obliged to grant; and to deny what by law was in his own power, and which he found inconvenient to consent to." "I speak knowingly," he adds with truth. But though the documents are voluminous,

[1] Firth, *Cromwell*, p. 69.

the points really at issue were comparatively few. The approval of ministers and councillors by Parliament; similar approval of the governors and tutors of the Royal children, and of their marriages; the execution of the laws against Jesuits and Popish recusants; the reformation of Church government and liturgy as Parliament shall advise after consultation with divines; and the settlement of the militia on the lines of the ordinance:—these were the more prominent requirements of the Nineteen Propositions. With the exception of the first two they reappear in most of the subsequent negotiations.

The drafting of the King's reply led to one of the few differences between Falkland and Hyde. The latter took exception—very properly—to the description of the King and two Houses as the *three Estates*—a description which was constitutionally inaccurate and which ignored the bishops. Falkland retorted that Hyde "disliked it, because he had not writ it himself". The breeze soon passed; Falkland acknowledged "his own inadvertency," and the amended answer was delivered to Parliament before the end of June. Parliament had demanded nothing less than a transference of sovereignty to itself. "To grant their demands was in effect," as the King truly said, "at once to depose himself and his posterity".

But in truth the time for argument had gone by. The two parties had reached a position from which neither could recede. The one struggled to obtain, the other to retain the essence of sovereignty. Negotiations were drawn out mainly for the purpose of informing the minds and enlisting the sympathies of the nation to which both sides were now compelled to appeal.

On 11th June the King issued his Commissions of Array; on the 13th he announced that he would not engage his supporters in any war against Parliament "except it were

for his necessary defence and safety against such as did insolently invade or attempt against his Majesty". To this appeal Falkland and the peers at York responded with a promise to stand by the King's prerogative, and on 15th June the peers joined the King in a solemn declaration that they desired only "the law, peace, and prosperity of this kingdom". Falkland, Culpepper, Lord-Keeper Littleton, Chief Justice Bankes and thirty-four peers were among the signatories. If the King and Court desired peace, so did the country at large. Petitions praying for an accommodation poured into York from all parts of the country. Falkland's answers to the petitions are models of dignity and sober eloquence, and testify, as far as words can testify, to the King's earnest desire "that all hostility may cease, cease for ever, and a blessed and happy accommodation and peace be made; that God's honour and the Protestant religion may be maintained; that the just privileges of Parliament and the laws of the land may be upheld and put in execution that so his good people may be freed from their fears, and secured in their estates".[1]

But the sands were running out. On 4th July the Houses named a Committee of Safety; on the 6th they ordered a special army of 10,000 men to be raised, and on the 12th they appointed Essex to command it.

The King's friends were chafing at the delay in raising his standard. But it was not easy to decide where it should be set up. The Derby family desired to secure the honour for Lancashire and promised strong support: York was considered, but was less eager for the distinction; on 12th August the King summoned his loyal subjects to rally round the standard at Nottingham, and there on the 22nd it was set up.

[1] Falkland's answers to the petitions from Hertford, Cumberland and Westmoreland and Flint may be read in full in Lady T. Lewis, Appendix N.

Falkland's

the Third day of August . 1642 .

AFTER A PORTRAIT BY VANDYK

On the eve of the war it is desirable to pause a while and attempt to gauge the state of public feeling, and estimate the forces which were at work to dispose the plain citizen to this side or that.

One thing is abundantly and honourably clear, that the aversion to the idea of war was deep and general, and that out-and-out partisans on either side were few. Round the King was a small and devoted band of people who had adopted in its integrity the Stuart theory of monarchy. They held with Charles himself—

> Not all the water in the rough rude sea
> Can wash the balm from an anointed King;
> The breath of worldly men cannot depose
> The deputy elected by the Lord.

On the other side there were some who could re-echo the splendid confidence of that stout-hearted but rather stupid republican, Edmund Ludlow: "The question in dispute between the King's Party and us being, as I apprehended, whether the King should govern as a God by his Will, and the Nation be governed by force like Beasts; or whether the People should be governed by Laws made by themselves, and live under a Government derived from their own consent. Being fully persuaded that an accommodation with the King was unsafe to the people of England, and unjust and wicked in the nature of it. The former, besides that it was obvious to all men, the King himself had proved by the duplicity of his dealing with the Parliaments, which manifestly appeared in his own papers, taken at the battle of Naseby and elsewhere, of the latter I was convinced by the express words of God's law: 'that blood defileth the land, and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it' (Numbers, c. xxxv., v. 33). And therefore I could not consent to leave the guilt of so much blood on the nation, and

thereby to draw down the just vengeance of God upon us all, when it was most evident that the war had been occasioned by the invasion of our rights and open breach of our laws and constitution on the King's part." [1]

But unhesitating, convinced and thorough-going partisans like Ludlow were few; the vast majority of citizens were distracted as to the choice of sides, and detested the idea of civil war. A conversation reported by Clarendon gives us an insight into the feelings of one such citizen, Sir Edmund Verney, the King's standard bearer, "a man of great courage and generally beloved". He came to Hyde one day and said "he was very glad to see him in so universal a damp, under which the spirits of most men were oppressed, retain still his natural vivacity and cheerfulness. My condition," he continued, "is much worse than yours . . . and will very well justify the melancholie that I confess possesses me. You have satisfaction in your conscience that you are in the right, that the King ought not to grant what is required of him; and so you do your duty and business together. But, for my part, I do not like the quarrel, and do heartily wish that the King would yield, and consent to what they desire, so that my conscience is only concerned in honour and gratitude to follow my master. I have eaten his bread and served him near thirty years, and will not do so base a thing as to forsake him, and choose rather to loose my life (which I am sure I shall do) to preserve and defend those things which are against my conscience to preserve and defend; for I will deal freely with you—I have no reverence for bishops, for whom this quarrel submits." Sir Edmund Verney, it cannot be doubted, spoke the thoughts of thousands of those who took service under the banner of the King. There was just the same temper on the other side. Sir William Waller

[1] *Memoirs*, i., 267.

writes thus to his friend Ralph Hopton: "The great God who is the searcher of my heart, knows with what reluctance I go upon this service and with what perfect hatred I look upon a war without an enemy. The God of Peace in His good time send us peace, and in the meantime fit us to receive it. We are both on the stage, and we must act the parts that are assigned to us in this tragedy. Let us do it in the way of honour and without personal animosities." Such was the honourable temper of both sides as they embarked on this great contest. And who will deny that there was ground for hesitation? "There was," as the judicial Hallam says, "so much in the conduct and circumstances of both parties to excite disapprobation and distrust that a wise and good man could hardly unite cordially with either. On the one hand he would entertain little doubt of the King's desire to overthrow by force or stratagem whatever had been effected in Parliament, and to establish a plenary despotism; his arbitrary temper, his known principles of government, the natural sense of wounded pride and honour, the instigations of a haughty woman, the solicitations of favourites, the promises of ambitious men, were all at work to render his position as a constitutional sovereign, even if unaccompanied by fresh indignities and reproaches, too grievous and mortifying to be endured. . . . But on the other hand the House of Commons presented still less favourable prospects. . . . After every allowance has been made he must bring very heated passions to the records of those times, who does not perceive in the conduct of that body a series of glaring violations not only of positive and constitutional, but of those higher principles which are paramount to all immediate policy." [1]

A further question demands an answer.

Is it possible to draw any broad lines of division between

[1] *C. H.*, ii., 139, 140.

the two parties? "Saints and Sinners" is the natural suggestion of the keen partisan: but there is a good deal of contemporary opinion to contradict it. "Think not," said Thomas Fuller preaching in London, "that the King's army is like Sodom, not ten righteous men in it, and the other army like Zion, consisting all of saints." An echo comes from Chillingworth, preaching before the Court at Oxford. "Publicans and Sinners on the one side, against Scribes and Pharisees on the other; on the one side hypocrisy, on the other profaneness. No honesty or justice on the one side, and very little piety on the other. On the one side horrible oaths, curses and blasphemies, on the other pestilent lies calumnies and perjuries. . . . I profess that I cannot without trembling consider what is likely to be the event of these distractions."

Fuller and Chillingworth were surely right. Neither side had a monopoly of morals—good or bad. But though morally the line of division is happily blurred, ecclesiastically it is clearly defined. On the side of King Charles all the Romans and Anglicans; on that of "King Pym" all the many varieties of Puritanism. But even on the ecclesiastical stage there was a large middle party of which Falkland was typical—anti-Laudian but not anti-Episcopal, a party which had "contracted some prejudice to the archbishop," but which liked still less the prospect of Genevan domination.

Geographically, parties were roughly divided by the line that has been an immemorial dividing-line in English history—the line from the Humber to the Severn—or perhaps more accurately from the Humber to Southampton. The strength of the King lay in the comparatively wild districts to the north and west of the line, where great lords like Newcastle, Derby and Worcester still ruled in semi-feudal state. To the Parliament adhered the rich and comparatively civilised districts of the east and south.

The great agricultural plain contained at that day almost the whole wealth of England. London was at least as pre-eminent among the towns as it is to-day. Exceptionally bitter in its Puritanism, and containing not less than a tenth of the whole population, its support was a tower of strength to the Parliamentary party. Bristol and Norwich, the only considerable towns outside London, were both Parliamentarian, though Bristol fell before the intrepid attack of Rupert. Hull, Plymouth and Gloucester were secured to Parliament, by the adhesion of the fleet, and no words can exaggerate the advantage they thus obtained. The industrial towns in the west and south-west not less than in the south-east were at the opening of the struggle on the same side; but they were unable to resist the pressure of the surrounding country. Wales, with the exception of Pembroke, was solidly Royalist from the first, as were the four Northern Counties.

Socially, the line is, fortunately, less easy to draw. The Civil War was a war of creeds and parties; it was not a war of classes. The townsmen were generally on the side of Parliament; the great lords and their retainers fought mostly for the King; but the Puritan trained-bands were officered by squires, and many a stout yeoman rode with Rupert. Pym could count on thirty peers, and Charles on nearly two hundred members of the Lower House. There was, therefore, no question of property at issue. Later on the Levellers developed socialistic opinions, but they got no countenance from the responsible leaders.

Politically, the line must be drawn at the divisions on the Grand Remonstrance. How close they were we have already seen, and that they reflected with substantial accuracy the balance of parties in the country we cannot doubt.

But though we may thus discriminate between Cavaliers

and Roundheads, it still remains true that the mass of the nation were neither one nor the other. Many of the counties would gladly have followed Yorkshire in an attempt to contract themselves out of the war, and the peasants of Dorset and Wilts—subsequently organised as *The Clubmen* —represented, in their anxiety to keep both parties at arm's length, the feelings of most of their class. "The number of those who desired to sit still was greater," as Clarendon pithily observes, "than of those who desired to engage in either party."

Falkland's courageous and impetuous nature forbade him to sit still, but from the outset of the war his one absorbing thought, his one passionate desire was peace.

BOOK IV

CHAPTER I

THE FIRST CAMPAIGN

IT is no part of the duty of Falkland's biographer to tell again the story of the Civil War, nor even of the two campaigns which were all that Falkland lived to witness. But it is much to the purpose to record his untiring efforts even at this most unpromising juncture, first to maintain, and later to restore, peace.

On 9th August, 1642, the King issued a proclamation declaring Essex and his officers traitors, but offering free pardon to him and to all who within six days should lay down their arms. The Commons issued a counter declaration and swore to live and die with the general. On the 18th the Houses issued in their turn a proclamation denouncing as traitors all those who in arms supported the King, and four days later the King's standard was raised at Nottingham. The immediate response to the King's appeal was meagre in the extreme. But for weeks Essex made no move. "God blinded his enemies so that they made not the least advance towards Nottingham," says Clarendon. The fact probably was that Essex, like most of his contemporaries—including Hyde himself—imagined that one blow would end the war, and he was in no hurry to strike it. Meanwhile, the King was persuaded, much

against his will, to renew his offer of peace, and on 25th August the Earls of Southampton and Dorset were sent off to Westminster with Culpepper and Sir William Udall as the bearers of the King's message to Parliament. It was received, as the King had anticipated, "with unheard of insolence and contempt," Parliament refusing to consider it until the King hauled down his standard and withdrew his proclamation against Parliament and its adherents.

Still Falkland did not abandon his efforts, and privately urged the King to make one last appeal to Parliament in person. That could not be; but Falkland was permitted to be the bearer of yet another message, which he delivered on 5th September. It was entirely conciliatory in tone, and its passionate professions in favour of peace suggest the probability that the most peace-loving of the King's ministers was not merely the bearer but the author of the message. The King undertook "if a day were appointed by Parliament for the revoking of their declaration with all cheerfulness" to recall his proclamation and take down his standard. According to D'Ewes, Falkland was further charged with a secret message to the Parliamentary leaders that the King would consent to a thorough reformation in religion as well as to anything else they could reasonably desire.[1] Parliament, however, refused to treat unless the King would unconditionally haul down his flag, abandon his friends, put his person at the disposal of Parliament and agree to abide by their advice. As for the peacemaker, the House of Commons resolved (22nd September, 1642) "that the Lord Viscount Falkland shall be disabled for continuing any longer a member of this House during this Parliament."[2]

Further negotiation was futile. Nothing but the sword could now determine the issue. Essex was at last moved

[1] G. (*C. W.*), i., 17. [2] *C. J.*, 777.

to take the field. On 10th September he joined his army, 20,000 strong, at Northampton. Three days later the King set forth from Nottingham to seek in Shropshire and Cheshire a recruiting ground less barren than the Midlands. The Welsh marchers responded nobly to his appeal, both for money and men, and within a few weeks he found himself at the head of a force respectable in numbers though sadly lacking in discipline, in ammunition, and in arms.

Before leaving Nottingham, "as a farewell to his hopes of a treaty, and to make the deeper sense and impression in the hearts of the people," the King had published in the form of a message to Parliament an admirably conceived manifesto to the nation. No one can be insensible to the pathos of its concluding words: "The God of heaven direct you, and in mercy divert those judgments which hang over this nation: and so deal with us and our posterity as we desire the preservation and advancement of the true protestant religion; the law and the liberty of the subject; the just rights of Parliament, and the peace of the kingdom". In this, as in the other proclamations of this time, the hand of the Secretary of State is manifest.

On the march to Chester the King learnt that Worcester was threatened by Essex. Orders were accordingly sent to Prince Rupert, then at Bridgenorth, to march to the support of Sir John Byron who had with great difficulty managed to convey to Worcester a considerable sum of money raised by the King's friends in London. Rupert reached Worcester on 23rd September; Fiennes, in command of Essex's advance guard, was at Pershore; and at Powick Bridge, just outside Worcester, the first important skirmish of the war took place. Sandys was at the head of a thousand men, the flower of the Roundhead cavalry, but Rupert's charge was irresistible, and the Roundheads broke

and fled, leaving, according to Falkland, 400[1] out of their thousand dead upon the field. Rupert had drawn first blood. "This rencounter proved of unspeakable advantage and benefit to the King . . . and rendered the name of Prince Rupert very terrible and exceedingly appalled the enemy." The losses among his own men were insignificant, but despite his dashing and effective charge Rupert was not strong enough to hold Worcester, and on the 24th the city was occupied by Essex without resistance.

A few days later Falkland, who was in attendance upon the King at Shrewsbury, addressed to Lord Cumberland the following letter. Brief references to this remarkably interesting letter may be found in Eliot Warburton's *Memoirs of Prince Rupert*, and in Gardiner,[2] but I am not aware that it has ever been reprinted since it was first issued in pamphlet form in 1642. This fact, combined with its intrinsic importance, may be held to justify citation *in extenso*.

"A letter sent from the Lord Falkland, Principal Secretarie to his Majestie,

"Unto the Right Honourable, Henry Earle of Cumberland at York,

"Concerning the late Conflict before Worcester, with the State of his Majesties Armie now at Shrewsbury.

"My Lord,

"I know ere this time you have divers and severall relations of Prince Robert's encounter with the Earle of Essex forces before Worcester, the 23 of September. I could have written sooner, but stayed till I could have an exact Relation, which I now doe from men of honour, and present in the action. The King being informed

[1] Clarendon, always anxious to minimise Rupert's successes, says forty or fifty.

[2] *C. W.*, i., and *D.N.B.*, *s. v.* "Falkland".

of the Earle of Essex marching to Worcester, and knowing that towne not terrible against any considerable forces, and desirous to put the best part of his Armie into one entire body, sent to Sir John Biron to quit the place, and joyne with Prince Robert, then at Bridgenorth. Prince Robert desirous to fetch off so gallant a man as Sir John Biron, marched through Worcester with his Troops, consisting of 700, accompanied onely with Sir John Biron, his troops remaining behind in Worcester. When they were out of the Town, Prince Robert being informed that the E. of Essex troops of Horse and Dragooners were at hand, marched towards them, saying, We are now ingaged for the honour of God and your countrey, fight valiantly: and immediately gave them a furious charge, which was stoutly answered by the Parliament Forces. This courage of theirs endured not long, for at the second charge they as fiercely ran away, in pursuit were taken prisoners, slain and drowned, above 400 divers of which betook themselves to the mercy of a River, wherein perished four-score, whereof the Lord Sayes son is said to be one, but that is yet uncertain, but for certain both of them accompanied with Captain Browne a Scotchman, at the first encounter ran away, leaving those men to be slaughtered, some Gentlemen, (more sensible of honour than the rest) fought valiantly, as Sergeant Major Douglas, Col. Sands, Cap. Austin, Cap. Burrill, Cap. Berry, Cornett Hemon, Cornett West were slaine in the field; Cap. Sands and Douglas lived some few houres after: Prince Robert sent a Divine to Captain Sands, who told him the Prince was troubled so gallant a man should perish in so unworthy an action, he gave the Prince thanks and said, death did not so much trouble him as that he had endeavoured to defend so bad a cause, which he was drawne into as well by his own ambition as by perswasion of other men, he was not able to deny (he further said) the flower of their Army was

in this conflict, and wished all their actions hereafter might have the like successe, desiring that they would all pray for him, and especially that God would forgive him this great sinne of rebellion, which troubled him the more, having dilucively perswaded others thereunto by telling them that they fought against those that advanced the rebellion in Ireland, and were now in the action, Col. Sands was encountered by Comisary Wilmot, but received his deaths wound by a Frenchman, he asked how Comisary Wilmot did seeing him wounded, being told his hurt was not dangerous, said, he was glad he had not his blood to answer for: Douglas likewise died not suddenly, he was likewise sensible of his offence. I spake with a Gentleman that brought him out of the field, to whom he confessed this was the third rebellion he had been in against the King, all which from his heart he hated, but was drawn into them for gain and sinister ends, and being taken prisoner in the North he was discharged and twenty pounds given him by the King: he was desirous to live, that he might discover to the King something that might in part expiate his former offences, which was prevented by his death. I have been the longer in the relation of these two Gentlemen's confessions before their deaths to make you sensible that the hearts of these men goe not along with their actions (their blouds lie heavy on those *boutefeux* that have engaged them and others, and so many men to their ruin and destruction). There were taken in the skirmish 50 or 60 prisoners, but none of note, and quality, but Captaine Wingate (a Parliament man) who is brought to Shrewsbery. The King was presented with 6 or 7 Colours, the bearers of them either slaine or taken prisoners; Prince Maurice hath received two or three Scarrs of Honour in his head, but is abroad and merry; divers of our part hath received slight wounds [names follow]. I dare not tell you they lost more Hundreds than we single men, least

the former part of my Letter may gaine the lesse beleife; But I assure you it is confidently reported, that there were slaine on our part not above three or foure; those Prisoners that were taken except Captaine Wingate are discharged, taking an oath not to beare Armes against the King; Most of them were men of meane quality, and so raw Souldiers that they understood not the word Quarter but cryed for mercy; being demanded what condition they were: some said, they were *Taylors*, some *Embroyderers* and the like. By the latter end of this weeke I assure you our number will exceed those of the Earle of Essex, of which we are now rightly informed by the several prisoners we have taken, and if God for great Sinnes, together with the slight esteeme we have of Parliament forces, have not vengeance in store for us, and the whole Nation: the King having no other ambition but the advancement of the Protestant religion, and establishment of the Fundamental Lawes of this Kingdome. We have publique thanks for this Victory enjoyned by the King; I have all this while heard of, and seene the many lyes permitted and contrived by them; but I could never imagine men so irreligious, so impudent before God, as to give publicke thanks for the great Victory over the Cavaleers; which is as false as God is true: I know I can expresse my Duty in nothing more than intreating your Lordship not to beleeve those false reports, which do as much make London dishabitable, as the Plague wont to do.

"Your Lordshipps Infinitely Obedient

"and Humble Servant

"FALKLAND

"SHREWSBURY, *September* 27, 1642."[1]

[1] "King's Pamphlets," E., 121, Brit. Mus.

This letter is of special interest on several grounds. It not only gives a singularly vivid account of the first important skirmish of the war, but it affords further confirmation of the belief, common to both sides, that the war would be of short duration. Clarendon certainly does not exaggerate the moral effect of Rupert's gallant charge. His cavalry was henceforth held in great respect by those to whom it was opposed, and his name soon became "very terrible". Falkland was never inclined to be over sanguine, but this letter proves that he too thought that this skirmish had revealed a radical weakness in the forces opposed to the King. "Men of mean quality" and "raw soldiers" many of them indubitably were. Falkland has been severely taken to task —notably by Mr. Gardiner [1]—for his superficial estimate, his grave miscalculation of essential forces, and his lack of prescience in imagining that the war would soon be over, since these "tailors, embroiderers and the like," could not be expected to resist the well-born and well-mounted Cavaliers who followed Rupert. But it is difficult to see wherein he was more short-sighted than Cromwell himself, who bluntly told his cousin Hampden that his troops were "most of them old decayed serving men and tapsters," and that he could not hope to win unless he got "men of a spirit that is likely to go on as far as gentlemen will go". Cromwell's words are an echo of Falkland's; and yet, curiously enough, Mr. Gardiner, with his habitual depreciation of Falkland, quotes Cromwell's words in illustration of his "grasp upon the needs of the present" as contrasted with "Falkland's visionary anticipation of the intellectual charities of the future". The truth is that from opposite points of observation Falkland and Cromwell had arrived at identical conclusions. But while in Cromwell they are evidence of "grasp," in Falkland they prove that he had little conception of the forces opposed to him.[2]

[1] *D.N.B.* [2] *D.N.B., s. v.*

The skirmish at Powick Bridge sufficed at any rate to prove both to the King and to his enemies that in Prince Rupert the Royalists had found an exceptionally brilliant cavalry leader. But alike in the field and in the closet Rupert had the defects of his qualities. Conspicuous even among the brave for courage, unequalled in nerve and dash, he was overbearing in temper, impatient of control and reckless of consequences. The command in chief had been entrusted to the Earl of Lindsey; the generalship of the horse was given to Rupert with the inconvenient proviso that he should receive orders only from the King. Nothing could be worse from a military point of view than thus to make the cavalry independent of the other arms, and the folly of the arrangement was shown very early in the campaign. One night the King receiving intelligence of the enemy's movements sent Falkland at midnight with instructions to the Prince. The latter "took it very ill and expostulated with the Lord Falkland for giving him orders". Without any loss of temper Falkland replied "that it was his office to signify what the King bade him; which he should always do"; and that the Prince "in neglecting it neglected the King". The incident was significant; for nothing did more harm to the King's cause than the lack of discipline among his forces and the constant quarrels between soldiers and civilians.

The King, meanwhile, greatly encouraged by his reception in Cheshire and Shropshire, left Shrewsbury on 12th October and marched south—roughly along the line of the present Great Western Railway—with the intention of making a dash on London. Essex lying about Banbury barred the way. The King reached Edgecot on Saturday, 22nd October, and quartered at Edgeworth, the house of Sir William Cherry. Falkland, Culpepper, Hyde and the Commander-in-Chief were at Culworth, about a mile away.

On the following day the first pitched battle of the war was fought at Kineton or Edgehill. The battle itself was confused and the issue is generally described as doubtful, but all the substantial advantage remained with the King. Essex definitely failed to bar the Royalist advance on London and withdrew to Warwick; the King marched on, captured Lord Say's Castle of Broughton, induced the strong garrison of Banbury to surrender, and on the 29th "found himself at good ease at Oxford . . . the only city of England that he could say was entirely at his devotion". There he was received by the University "to whom the integrity and fidelity of that place is to be imputed with all joy and acclamation as Apollo should be by the muses".[1]

A word must be added as to Falkland's part in the battle of Edgehill. There, as always, his conduct was marked by reckless courage and tender humanity. "He always," says Clarendon, "engaged his person in those troops which he thought by the forwardness of the Commander to be most like to be farthest engaged; and in all such encounters he had about him a cheerfulness and companionableness without at all affecting the execution that was then principally to be attended, in which he took no delight but took pains to prevent it when it was not by resistance necessary." Thus at Edgehill when he saw the enemy in flight, "he was like to have incurred great peril by interposing to save those who had thrown away their arms . . . insomuch as a man might think he came into the field only out of curiosity to see the face of danger and charity to prevent the shedding of blood".[2] A further note of Clarendon's suggests, however, that Falkland was by no means devoid of military insight: "Though the King's horse sustained no loss, and they who followed the enemy too far yet returned before it was night, either the officers would not

[1] C., iii., 279. [2] C.

or could not rally so many of them together as would charge that small reserve, which still went about the field without standing in any place to expect a charge. The Lord Falkland (who in all such actions forgot that he was Secretary of State, and desired to be where there would probably be most to do had that day chosen to charge with Wilmott, who charged on the left wing, declining, upon the former expostulation, to be on the other wing with Prince Rupert), used to protest that he saw no enemy that day of the horse that made any resistance; and observing that body under Balfore wheel up and down, he spake to Wilmott that they might go and charge them, which the other seeming not to consider, he pressed him again; to which the other made no answer but, 'My lord, we have got the day, and let us enjoy the fruits thereof'; and after it was found, too late, what mischief that small body had done and continued to do, the officers could not rally their horse together, albeit they were all in the field."

Notwithstanding conduct that was sometimes foolhardy, Falkland himself emerged safe from the fight; but the King's losses were considerable. Among others, the stout old soldier Lindsey was mortally wounded, and the King's standard bearer, Sir Edmund Verney, faithful servant and chivalrous knight, fell, as he had expected, on the field. Between Verney and Falkland there was much in common. Both were very perfect gentle knights, *sans peur et sans reproche:* both were brought into the field by loyalty, the one to an institution, the other to a master whose bread he had eaten; both represented the great middle party who loved not the Laudian bishops, but were faithful to Church and King; both had some doubts as to the soundness of the cause for which they fought.

If the military result of Edgehill was mainly in favour of the King, the moral effect was entirely so. "Those,"

says the Puritan May, "who thought his success impossible began to look on him as one who might be a conqueror and many neuters joined him." Better than this: Edgehill strengthened the hands of the peace party now developing considerable strength in Parliament. Both Houses agreed to ask for a safe-conduct for a Committee of the Lords and Commons charged with the duty of opening negotiations, and on 6th November Falkland addressed to them the following letter from Reading, which the Royalist army had now reached:—

"My Lord,

"Your Lordship's of the 5th of this month I showed unto his Majesty, who hath commanded me to return your Lordship an answer in these words: That his Majesty hath now sent (which I have enclosed) a safe-conduct under his Royal hand and signet, for the Earl of Northumberland and the Earl of Pembroke and Montgomery, Mr. Pierpointe, the Lord Wenman, and Sir John Hippesley; but hath not admitted Sir John Evelin, of Wilts, to attend him, as being included in the exception made by his Majesty in the letter of the 4th of this month, sent by Mr. Secretary Nicholas to your Lordship, as by the enclosed proclamation (proclaimed at his Majesty's Court at Oxford, and sent with a writ sealed in the county of Wilts) will appear. His Majesty hath likewise commanded me to signify to your Lordship that, in case the Houses shall think fit to send any other person in the place of Sir John Evelin, that is not included in the exception made in Mr. Secretary's letter before mentioned, his Majesty hath commanded all his officers and soldiers and other subjects to suffer him as freely to pass and repass as if his name

had been particularly comprised in this safe-conduct. This being all that I have in commission, I rest

"Your Lordship's humble servant,
"FALKLAND

"READING, *November* 6, 1642.

"For the Right Honourable the Lord Gray of Warke, Speaker of the House of Peers *pro tempore*."

Five days later the King reached Colnbrook, where he met the deputation from Parliament. The tone on both sides was conciliatory; but Rupert was unwilling to forgo, by agreeing to a cessation, the decided military advantage he had obtained. Without regard, therefore, to peace negotiations he pushed on to and captured Brentford on 12th November. On the following day he found himself confronted by a solid phalanx of 24,000 Londoners drawn up on Turnham Green. That shield he could not pierce. Turnham Green was, according to Mr. Gardiner's happy comparison, the "Valmy" of the English Civil War. London was saved; Rupert was baffled; and the King was compelled to fall back on Reading.

Having failed to push through to London he was now anxious to reopen negotiations. Accordingly, Falkland was commanded to forward to Lord Grey of Warke, as "Speaker of the Peers *pro tem.*," the King's reply to the answer of Parliament to his message of 12th November.[1] This document was, in effect, an elaborate vindication of the King's good faith in regard to the action at Brentford. Rupert's conduct was bitterly and not unnaturally resented by Parliament, and they were now willing to treat only on condition that the King would return to the capital and abandon the "delinquents" to their mercy. The condition

[1] It may be read in S. P. Dom., Car. I., ccccxcii., 59; or Rushworth, v., 63.

was impossible. Rupert's impetuosity—not without justification from the purely military standpoint—had shattered for the moment the hopes of Falkland and the peace party.

By the end of November the King and his principal Secretary of State had taken up their winter quarters at Oxford.

OXFORD IN 1643 (FROM HOLLAR)

FROM AN ENGRAVING LENT BY FALCONER MADAN, ESQ.

CHAPTER II

FALKLAND AT OXFORD

FOR the next four years Oxford was the head-quarters of the King and the Court.

Both on strategic and political grounds the choice of Oxford was a wise one. Surrounded on three sides by rivers, with an outer circle of low hills, the city itself was easily defensible. Geographically also it was well placed. Lying just on the line which roughly divided the country of the King from that of the Parliament, it formed, until its surrender on 24th June, 1646, the most Easterly outpost of the King. It was within easy striking distance of the capital, and in touch with the King's principal recruiting grounds in the North, the West Midlands and the South-West. But for the enormous advantage given to the Parliamentary forces by the command of the sea, the wisdom of the King's choice would have been even more clearly demonstrated. Even as it was, the immense strategical importance of Oxford is shown conclusively enough by the fact that so many of the battlefields of the first Civil War are within a small radius from the city. Edgehill itself lies just over twenty-five miles to the North; Cropredy a little less; Newbury is twenty-five miles to the South-West; Chalgrove field is ten miles to the South-East; while Oxford itself alone compelled Essex, at the head of the London train-bands, to deviate to the East on his famous march to the relief of Gloucester in September, 1643.

Politically the wisdom of the choice was not less obvious. Oxford had not infrequently served as a sort of a relief capital when on sanitary or other grounds it was found desirable to remove Parliament from Westminster. Particularly was this the case in the seventeenth century. There could therefore be no constitutional incongruity in the sight of a Parliament holding its session in the Schools or Convocation House.

The political temper of the inhabitants was dubious. The townsmen in the main inclined to the side of Parliament,[1] the University—though by no means unanimously—to that of the King. "Nothing," wrote Laud, "can be transacted in the State without its being immediately winnowed in the Parliaments of the Scholars." Soon after the meeting of the Long Parliament, the truth of Laud's words received striking illustration. A fierce conflict raged in the streets, and as though to recall the contests of the Middle Ages, the alarm bells were rung at St. Mary's and St. Martin's.[2] Similar evidence is supplied by a contemporary work,[3] which describes a characteristic episode as, taking place "in the parish of Holywell neare Oxon". A certain "most licentious and profane fellow" set up on a maypole the effigy of a well-known Puritan, "a manciple of one of the Colleges," held up to derision "because he was truly religious and used repetition of sermons, singing of psalms and other holy duties in his house". Finally, the "profane fellow . . . with his loose and licentious companions, making themselves mad-merry about it, must needs go shoot at the Roundhead, and having for this purpose brought muskets with them . . . one of them shot and did hit the picture".

[1] *Cf.* a long and interesting letter from the city members to Lenthall, 3rd September, 1642, Hist. MSS. Com., 13 Rep., App. I. (Portland I., 1891).

[2] Boase, p. 149.

[3] John Vicars, *A looking-glass for malignants, or God's hand against God-haters*, etc. (1643) p. 67.

Such scenes were doubtless frequently enacted during the early days of the Long Parliament when passions were ebullient and discipline was relaxed.

On the eve of the war both sides were naturally anxious to secure the support of the University and the command of the city. Thus on 7th July the King writing from York addressed a requisition to the Vice-Chancellor Prideaux asking for a loan of money at 8 per cent. from the University and the Colleges, and declaring that similar assistance had already been given to the Parliament. To this appeal some Colleges appear to have responded, and Convocation without demur voted away all the reserve funds, amounting to some £800 in Bodley's, Savile's and the University chests. On learning of this requisition Parliament immediately issued an order declaring it to be illegal, and directed that a strict watch should be kept on all the highways near Oxford; but despite this precaution a substantial sum reached the hands of the King in Yorkshire. In gratitude for this timely assistance Charles issued injunctions to the Commissioners of Array for the county, the high sheriff, and the mayor of Oxford that steps should be taken for the protection of the University. Meanwhile, the University was not slow to realise its dangerous position and to prepare for eventualities. "Upon the publication," writes Wood[1] (August, 1642), "of his Majestie's proclamation for the suppressing of the rebellion under the conduct and command of Robert Devereux, Earl of Essex, the members of the Universitie of Oxon began to put themselves in a posture of defence, and especially for another reason, which was that there was a stray report that divers companies of soldiers were passing through the country as sent from London by the parliament for the securing of Banbury and Warwick."

[1] *Life* (ed. Clark) on which this chapter is largely based.

At this critical moment Oxford was without a Vice-Chancellor. Dr. Prideaux, Rector of Exeter College, and Vice-Chancellor in 1641, had been appointed Bishop of Worcester, and had left the University without formally resigning office. The main burden of organising the defence fell therefore upon Dr. Robert Pink, Warden of New College and Pro-Vice-Chancellor, who by vote of Convocation was called upon to discharge the duties of the defaulting bishop. Dr. Pink called out the "scholars and the privileged men of the Universitie," and they brought with them the "furniture of every College that then had armes". They were drilled in the quadrangle of New College, to the "great disturbance of the youth of the city," and especially of the boys at the College School, "some of whom could never be brought to their books again". At times the scholar-recruits who "were promiscuously both graduates and undergraduates; a great many of them Masters of Art, yea divines allso," assembled for drill in "Newe parkes" where "they were put into battel arraye and skirmished together in a very decent manner". Other precautions were taken. Opposite Magdalen "the high-way was blocked up with longe timber logges to keepe out horsemen"; three or four loads of stones were carried up to Magdalen tower to "flinge down upon the enemie at their entrance"; a crooked trench was dug in the road from "Newe parkes" between Wadham and St. John's College gardens; and a strict guard was kept at the several gates. At midnight on Sunday, 28th August, some temporary alarm was created by the arrival of a troop of Royalist horse under Sir John Byron, who reached Oxford after a skirmish with some of Lord Brooke's men near Brackley. Byron then assumed command of the city, but his efforts to put it in a posture of defence were seriously hampered by the townsmen. The latter were

already in communication with the Parliamentary forces in Buckinghamshire, whose propinquity appears to have somewhat diminished the military ardour of Dr. Pink and his "schollers". A special Delegacy, popularly known as *The Councell of Warre*, was appointed to co-operate with the King's troops in organising the defence of the city, but on rumours of an impending attack from the Parliamentarians it was deemed prudent to send emissaries to Aylesbury, and to hasten the departure of Sir John Byron and his troop. The Parliamentary commanders took the protestations of the University at their true value, sent Dr. Pink in custody to London, and on 12th September occupied the city with a considerable force under Colonel Goodwin. Two days later Lord Say and Sele, recently appointed by the Parliament to be Lord Lieutenant of the county, arrived in Oxford and assumed the direction of affairs.

Lord Say's occupation lasted for about a fortnight, but he treated the University with a forbearance which suggests that Parliament did not yet despair of securing its adhesion. The embryo fortifications were demolished, and a rigorous search was instituted for plate and arms. But except for the destruction of the image of the Virgin and Child over St Mary's porch, "the combustion of divers Popish books and pictures," and the smashing of a picture of the King, "made of alabaster and gilt over," in the Warden's lodgings at New College, little damage was done. A certain Scot, however, is said to have "marvayled how the schollers could goe to their bukes for those painted idolatrous wyndows" (in Christ Church). Christ Church, its Dean (Dr. Fell), and University College lost their plate as a punishment for their efforts to conceal it; but to the rest of the Colleges it was, with questionable wisdom, restored upon condition "it should be forthcoming at the parliament's appointment and not employed at the least against

the parliament". Having disarmed the gownsmen and threatened the Heads of Houses "that unless they could assure him of the peace and quiet of the University for the time to come, he was minded to place a garrison of soldiers here," Lord Say took his departure. All available forces were needed in Warwickshire to stop the King's march on London, and Oxford for the time was quit of the "russett coates".

For nearly four years, from October, 1642, until June, 1646, Oxford was the centre and focus of Royalist England. To Oxford all the machinery of government and administration was, as far as possible, transferred. There met the Royalist Parliament—a majority of the House of Lords, a minority of the House of Commons; there Courts sat; there the King dwelt. Among the band of councillors who were henceforth generally in Oxford, Clarendon mentions the Marquis of Hertford, now Governor of the Prince of Wales; Lord Southampton, a persistent advocate of peace; the Earl of Leicester: the Earl of Bristol, famous as King James's ambassador to Madrid; the Earl of Berkshire, who, though taken and imprisoned by Parliament, was set at liberty "as a man that could do them no harm anywhere"; Mr. Secretary Nicholas; Sir John Bankes, Chief Justice of the Common Pleas; the Lord-Keeper Lord Littleton; Sir Peter Wich, Controller of the Household; Sir John Culpepper, and Hyde himself, who, in February, 1643, was sworn of the Privy Council, and in March was appointed Chancellor of the Exchequer. Falkland, as Secretary of State, was continuously at the King's side, and it is necessary, therefore, to attempt to realise the *milieu* in which the last year of his life was, for the most part, spent.

Oxford ceased to be a place of learning and was converted into a camp. University routine was suspended; few lectures were given, few exercises were performed, and

except for the honorary degrees lavishly conferred upon the nobles and courtiers in the King's train, the register of degrees would be almost a blank for the years 1643 to 1646. We may note, however, that in a Convocation holden in St. Mary's Church on All Hallows' Day, 1642, Prince Charles, having been created M.A. at Cambridge, was "incorporated," while the Duke of York was created Master of Arts.[1]

Clarendon throws a lurid light upon the state of the King's councils during these critical years—the fatal lack of unity; the endless intrigues; the woeful need of a strong guiding and dominating hand such as Strafford might have supplied; but it is to Anthony Wood that we naturally turn for a picture of the daily life at Oxford; and a wonderfully vivid picture he paints. The city assumed more and more the aspect of a fortress; the Colleges, emptied of scholars, were turned into royal palaces, barracks and arsenals. The King and the young Princes, and the chief members of the staff, were lodged at Christ Church; the Queen, after her arrival in July, 1643, made Merton her home. Between the two Colleges a back-way was specially made "through one of the canon's gardens, another garden belonging to Christ Church College, and then through Merton College grove". The Queen "was lodged in the Warden's house, occuping at intervals for nearly three years the room still known as

[1] Mrs. Sturge Henderson in her charming book *Three Centuries of Life in North Oxfordshire*, prints the following letter from Lord Falkland to the Vice Chancellor, bidding him confer the degree of D.D. upon one William Stampe, Vicar of Stepney. "The King's majesty taking into his princely consideration the great sufferings of William Stampe, who hath not only undergone a long and hard imprisonment of 34 weeks, but also is now ousted of a very good living, and all this for preaching loyalty and obedience to a disaffected congregation to the extream hazard of his life, His Majesty being willing to repair these his sufferings, and to encourage his known abilities (for which by special favour and grace he is sworn chaplain to his dearest son the prince) hath commanded me to signify to you that you forthwith confer upon him the degree of Doctor of Divinity."

'The Queen's Room' and the drawing room adjoining. The King was constantly there, probably finding Merton a pleasant retreat from the bustle of Christ Church".[1] Prince Rupert and Prince Maurice occupied the Town Clerk's residence, and Culpepper lived in Wood's own house opposite Merton College. Oxford was not really besieged, except for a fortnight in the spring of 1645, until after the King's final departure in 1646; but every preparation for standing a siege had long since been made. Trenches were dug on the north and south of the city, and partially on the west. The work "on the north of St. Giles's Church was to be done by the townsmen, and six score and two on their part appointed to work there daily," says Wood, "till it were done: that work by St. John's College walks was to be done by the county or shire; and that moles in Newe-parkes was to be done by the privileged persons . . . (the Colleges sending forth workmen also)". A deep trench was afterwards dug from the corner of Merton College wall to the Physic Garden, and a "cut of ground toward the further end of East Bridge by S. Clement was made for the letting in of Charwell river the better to overflow Christ Church mede and Cowley lands about Millham bridge, for the meeting of Charwell and Thames together for defence of the city". Later on further precautions were taken in consequence of news that the Parliamentary forces had advanced from Reading, "and come stealing along among and under the woods to Nettlebed, and so little by little to Stokenchurch, from whence they got under the covert of the woods to Tame". The houses in St. Clement's Parish, outside the trenches, were pulled down, and Bartholomew's Grove or *Ulmetum* was cut down all in one day "for fear lest the enemy drawing near to besiege the town might harbour therein".

Bells were melted down for the casting of ordnance,

[1] Brodrick, *Memorials of Merton College.*

and New College cloister and tower were converted into a magazine for arms and gunpowder. "Whereupon the master of the school there, with his scholars" (among them Anthony himself) "were removed to the choristers' chamber at the east end of the common hall of the said Coll. It was then," adds Wood with feeling, "a dark nasty room and very unfit for such a purpose, which made the scholars often complain, but in vain." And while "most of the armes and furniture of artillerie, as bulletts, gunpowder for the ordinance, match, etc., was laide up in Newe College Cloyster and Tower," a gunpowder mill was set up at Osney; drawbridges were manufactured in the Rhetoric School; wheat was stored at the Guildhall; oats and corn at the Law School and Logic School, and military outfits at the Music School. A small army of tailors, "foreigners as well as townsmen," were engaged to cut out and make up these uniforms "to the number of four or five thousand". The lawyers jostled the soldiers. The Court of Chancery, under the presidency of Lord-Keeper Littleton, was held in the New Convocation House at the Schools; the Court of Requests sat under Sir Thomas Ailesbury, one of the Masters, in the Natural Philosophy School. The Assizes of Oyer and Terminer were held before the Lord Chief Justice Heath at the Guildhall.

Services appear to have been held regularly in the College Chapels, and during the Queen's stay at Merton there were, as Wood remarks, "divers marriages, christenings and burials in the Chapel". Sermons were preached regularly at St. Mary's, the University Church. Many of these are still in print, and it is remarked by Mr. Ffoulkes, a recent vicar of the Church, that though some of them touch on the sin of rebellion and the Divine right of kings, most of them dwell on the wickedness of the times and the miseries of war. Among the more notable discourses was

that of Chillingworth, preached before the King in 1643, to which reference has already been made. When the fortunes of war turned against the King an order was issued (28th December, 1645) that special forms of prayer should be used in the College Chapels "during these bad times".

But the bad times were still some way in the future. The hearts of sober-minded patriots were torn with grief at the horrors of civil war, but during the period of Falkland's residence the hopes of the Royalists were high; gaiety pervaded the Court; and all was bustle in the city. The movement of troops was incessant. Day by day Anthony Wood records the arrival of this troop, the departure of that. News comes to-day of Newcastle's successes in the North, or of Hopton's victories in the West, and bonfires blaze out in all parts of the city. Next day there is an alarm of the massing of the Parliamentary troops near at hand —an impending attack, now from the side of Banbury, now from Wantage, and now from Aylesbury. One day the Spanish ambassador arrives to complain of the seizure of a Spanish ship by Lord Warwick; another day is marked by the arrival of peace envoys from London, a third by that of Commissioners from Scotland. All through this time the temper both of the Oxford townsmen and the inhabitants of the surrounding districts was obviously uncertain. Both were disarmed in the early days of the occupation, the arms of the trained-bands of the county being stored in a chamber in "Pecwaters Inne" at Christ Church, those of the citizens at the Schools. Nor did the latter display any great assiduity in the work of fortification. Again and again the tasks allotted to the townsmen were unperformed, and the King had to appeal—not in vain—to the University for help.

Particularly was this the case in regard to finance. On 3rd January, 1643, there arrived at Oxford "diverse carts, to the number of twelve or more," laden with Prince Rupert's

luggage, with the mint from Shrewsbury, and "with some good store of silver ore to be melted into silver and coined into money". The mint was set up in New Inn Hall, and a few days later the King addressed a letter to all the Colleges asking for the loan of the College plate. The letter addressed to All Souls, which is doubtless typical of the rest, has been already printed[1] but is of sufficient interest to justify reproduction:—

"CHARLES R.,

"Trusty and wellbeloved, we grete you well. We are soo well satisfied with your readynesse and affection to our service that we cannot doubt but you will take all occasions to express the same. And as we are ready to sell or engage any of our land, soo we have melted down our plate for the payment of our army raysed for our defence and the preservation of the kingdome. And having receyved severall quantityes of plate from diverse of our loving subjects wee have moved our Mint hither to our City of Oxford for the coyning thereof, and we do hereby desire that you will lend unto us all such Plate of what kynd soever w^ch^ belongs to y^r^ College, promising you to see the same justly repayed unto you after the rate of 5^s^· the ounce for white and 5^s^· 6^d^· for gilt plate as soon as God shall enable us; for assure yourselves we shall never lett persons for whom we have so greate a care to suffer for their affection to us, but shall take speciall order for the repayment of what you have already lent to us, according to our promise, and allsoo of this you now lend in plate, well knowing it to be the goods of your Colledge that you ought not to alien, though no man will doubt but in such a case you may lawfully lend to assist your King in such visible necessity. And we have entrusted our trusty and well beloved S^r^· W^m^.

[1] Burrows, *Worthies of All Souls.*

Parkhurst, Kt· and Thos. Bushell, Esq. officers of our Mint, or either of them, to receive the same Plate from you, who upon weighing thereof shall give you a receipt under their or one of their hands for the same. And we assure ourselfe of your very greate willingnesse to gratify us herein, since besides the more publique considerations you cannot but knowe how much yorselves are concerned in our sufferings. And we shall remember this particular service to your advantage. Given at our Court at Oxford this 6th day of January, $164\frac{2}{3}$.

"Addressed—Warden and Fellowes of All Soules Colledge."

With this request practically all the Colleges complied. Clarendon contrives to envelope the matter in something more than his customary confusion, but it has been elucidated by the researches of Prof. Montagu Burrows.[1] He has made it clear that "the Colleges of Oxford made two and only two contributions to the royal treasury": the first, as already described, in July, 1642; the second, in response to the letter just quoted. On the first occasion the University sent, according to Wood, £860, "but what each College or private person gave," he adds, "I find not."[2] Clarendon[3] puts the total then contributed at "above £10,000, out of the several stocks of the Colleges and the purses of particular persons, many whereof sent him all they had"; and elsewhere he says "the messengers returned from the two Universities . . . and brought with them all, or very near all their plate". Cambridge—wisely enough in view of contingencies—undoubtedly sent plate, but Prof. Burrows proves conclusively that the Oxford contribution—apart from possible gifts by individuals—was on that occasion almost entirely in cash. All Souls, for example, sent £651 7s. 3d. On the second

[1] *Worthies of All Souls*, c. x. [2] *Annals*, 11th July, 1642. [3] vi., 167.

occasion, on the contrary, the contribution consisted mainly of plate.

The Tanner MSS., preserved in Gutch's *Collectanea Curiosa* gives an account of the silver contributed by the various colleges and by private individuals. From this it appears that Magdalen sent in 296 lbs.; All Souls 253 lbs.; Exeter 246 lbs.; Queen's 193 lbs.; Trinity 174 lbs.; Christ Church 172 lbs.; Brasenose 121 lbs.; Jesus 86 lbs.; Oriel 52 lbs.; Merton 79 lbs.; University 61 lbs.; Lincoln 47 lbs., and Balliol 41 lbs. Much of the plate of Christ Church and University had been already seized, as we have seen, by Lord Say; but New College, St. John's, Wadham, Pembroke and Corpus are omitted from the list—probably by accident. The contribution of Wadham, as is conclusively proved by a document in their archives, amounted to 100 lbs. 10 oz. 15 dwt. of white plate, and 23 lbs. 4 oz. of gilt; the Fellows of New College kept back "only their communion plate and three cups made of Indian nuts";[1] Corpus sent in its plate somewhat later, and the honour of St. John's is also completely vindicated. There can, therefore, be no doubt that with the exception of some communion plate, and a very few pieces of peculiar historical value, still happily preserved, the whole of the College plate, and not a little belonging to individuals, went into the melting pot in New Inn Hall.

But despite the self-sacrificing loyalty of the University, money was never too plentiful with the King, and there was like to be a shortage of ammunition also. There were not left at this time, in Oxford, says Clarendon, "above forty barrels of powder, and match and bullet proportionately". With provisions, on the contrary, the King was amply supplied. The Parliamentarians imagined that the Court would be starved into submission. The people, in London,

[1] Rashdall and Rait, *New College*, p. 165.

writes Clarendon,[1] "did generally believe that the King, and the little army he had with him, were in so great straits for want of provision in Oxford, that they were compelled to eat horseflesh; and that they would in a short time be forced to return to the parliament, that they might avoid the being starved; and either to keep up this imagination, or that they did themselves believe the scarcity to be very great, these commissioners brought with them a great quantity of provisions, even of bread and beer, as well as of beef and mutton and fowl, sufficient to feed the whole company that came with them, during such time as they believed they should stay there, of which they were ashamed as soon as they entered Oxford, and saw the great plenty in the markets, not only of the usual common fare, but of those choice fowl, of pheasants, partridge, cocks, snipes, in that abundance, as they were not so well furnished in London; besides the best fish and wild fowl, which was brought in every day, from the western part, in such plenty that it can hardly be imagined. So that they were quickly converted from giving credit to that rumour, and it may be by it judged the better of the want of integrity in many other reports." Nor is there any evidence that at any later period provisions ran short. There was no reason why they should. The city, as we have seen, was not really invested, and between Oxford and the "girdle of fortresses" which protected it, there was a considerable stretch of country where agricultural operations might have been carried on in comparative tranquillity. Epidemic sickness, it is true, broke out more than once, but the insanitary condition of an overcrowded camp accounted sufficiently for that. An early closing order was issued in January, 1643, to the effect that "neither vintner nor any other victualer in Oxford should suffer any wyne or drinke to be sold in his house to any-

[1] *Life*, i., 164.

body after nine of the clocke at night upon payne of forfeiting 10s. *toties quoties*". Apart from this prudent restriction there was little to interrupt ordinary social intercourse or even to discourage the organisation of the special festivities which naturally followed on the arrival of the Queen.

Henrietta Maria, whose activity in the collection of money, arms and men had been incessant, landed at Bridlington Bay from Holland on 22nd February. From Bridlington she went, under Newcastle's escort, to York, and there awaited an opportunity of rejoining the King. For some months the meeting, eagerly longed for, was necessarily deferred. But by the beginning of July the country between York and Oxford was practically clear, and the Queen was able to set out for the South. The activity of Rupert's cavalry warded off any possible interruption of her march by Essex, and on 11th July Rupert himself welcomed the Queen at Stratford. Two days later the King and Queen met at Edgehill. "The King," writes Wood, "with his troops that were here in Oxford with the younge prince and the Duke of Yorke, rode forth to meet the Queene comminge out of the north country and they mett together at Edgehill where the battle was." On the evening of 14th July the King and Queen entered Oxford in State and were received with much University and civic ceremony at Christ Church. From July, 1643, to April, 1644, the Queen made her home at Merton. During those months the social gaieties at Oxford reached their zenith. *John Inglesant* is modestly described as a "romance," but it has received the *imprimatur* of one of the most erudite of Oxford antiquaries,[1] and as there is no single passage known to me which gives so vivid an impression of the strangely commingling elements which made up the social life of the Royalist headquarters, I venture to quote it:—

[1] The late Rev. C. W. Boase of Exeter College.

"Mixed up with these grave and studious persons, gay courtiers and gayer ladies jostled old and severe divines and college heads, and crusty tutors used the sarcasms they had been wont to hurl at their pupils to reprove ladies whose conduct appeared to them, at least, far from decorous. Christmas interludes were enacted in Hall, and Shakespeare's plays performed by the King's players, assisted by amateur performers. The groves and walks of the colleges, and especially Christ Church meadow and the Grove at Trinity, were the resort of this gay and brilliant throng; the woods were vocal with song and music, and love and gallantry sported themselves along the pleasant river banks. The poets and wits vied with each other in classic conceits and parodies, wherein the events of the day and every individual incident were portrayed and satirised. Wit, learning and religion joined hand in hand, as in some grotesque and brilliant masque. The most admired poets and players and the most profound mathematicians became 'Romanists' and monks, and exhausted all their wit and poetry and learning in furthering their divine mission, and finally, as the last scenes of this strange drama came on, fell fighting on some hardly contested grassy slope, and were buried on the spot, or in the next village churchyard, in the dress in which they played Philaster, or the Court garb in which they wooed their mistress, or the doctor's gown in which they preached before the King or read Greek in the schools. It was really no inapt hyperbole of the classic wits which compared this motley scene to the marriage of Jupiter and Juno of old, when all the gods were invited to the feast, and many noble personages besides, but to which also came a motley company of mummers, maskers, fantastic phantoms, whifflers, thieves, rufflers, gulls, wizards and monsters, and among the rest Crysalus, a Persian Prince bravely attended, clad in rich and gay attire, and of majestic presence, but

otherwise an ass; whom the gods at first, seeing him enter in such pomp, rose and saluted, taking him for one worthy of honour and high place; and whom Jupiter, perceiving what he was, turned with his retinue into butterflies, who continued in pied coats roving about among the gods and the wiser sort of men. Something of this kind here happened, when wisdom and folly, vice and piety, learning and gaiety, terrible earnest even to death and light frivolity, jostled each other in the stately precincts of Parnassus and Olympus."

In these social frivolities Falkland took little part. Already the heavy clouds of depression were beginning to overshadow his sanguine and sunny temper. They deepened as the sad months of fratricidal war went on, and as the prospects of peace faded further and further into distance. Not even the Royalist victories in the field availed to lift them. But even now there were moments when the old gaiety broke out. One such is recorded by Clarendon. The King appears to have prided himself upon an appreciation of style, and to have somewhat resented Falkland's alteration of his memoranda: "My Lord Carleton,"[1] said the King, "ever brought me my own sense in my own words; but my Lord Falkland most commonly brought me my instructions in so fine a dress that I did not always own them."[2] Some hint to this effect may have reached Falkland's ears. At any rate he took quick advantage of the King's weakness on the point. "His Majesty one day speaking with the Lord Falkland very graciously concerning Mr. Hyde, said he had such a peculiar style, that he could know any thing written by him, if it were brought to him by a stranger, amongst a multitude of writings by other men. The Lord Falkland answered, he doubted his Majesty could hardly do that, because he himself, who had so long conversation and friendship with him was often deceived;

[1] Afterwards Viscount Dorchester, Secretary of State, 1628-32.

[2] Warwick, *Memoires*, p. 72, *ap.* Lewis.

and often met with things written by him, of which he could never have suspected him, upon the variety of arguments. To which the King replied, he would lay him an angel, that let the argument be what it would, he should never bring him a sheet of paper (for he would not undertake to judge of less) of his writing, but he would discover it to be his. The Lord Falkland told him it should be a wager; but neither the one nor the other ever mentioned it to Mr. Hyde. Some days after the Lord Falkland brought several packets, which he had then received from London to the King, before he had opened them, as he used to do; and after he had read his several letters of intelligence, he took out the prints of diurnals and speeches, and the like, which were every day printed at London, and as constantly sent to Oxford: and amongst the rest there were two speeches, the one made by the Lord Pembroke for an accommodation, and the other by the Lord Brooke against it; and for the carrying on the war with more vigour, and utterly to root out the Cavaliers, which were the King's party. The King was very much pleased with reading the speeches, and said, he did not think that Pembroke could speak so long together; though every word he said was so much his own, that nobody else could make it. And so after he had pleased himself with reading the speeches over again, and then passed to other papers, the Lord Falkland whispered in his ear (for there were other persons by,) desiring him he would pay him the angel: which his Majesty in the instant apprehending, blushed, and put his hand in his pocket and gave him an angel, saying, he had never paid a wager more willingly; and was very merry upon it, and would often call upon Mr. Hyde for a speech, or a letter, which he very often prepared upon several occasions; and the King always commanded them to be printed."[1]

[1] Clarendon, *Life*, i., 161.

It would not perhaps be proper to omit all reference to another incident which is supposed to have occurred during Falkland's sojourn at Oxford. The story is first found in Wellwood's *Memoirs*,[1] and finds a place in most biographies of Falkland, though Gardiner passes it by in contemptuous silence. Wellwood, who was physician to William III., introduces the story apologetically, and speaks of the occurrence as "an accident which though a trifle in itself, and that no weight is to be laid upon anything of that nature; yet since the best authors, both ancient and modern, have not thought it below the majesty of history to mention the like it may be the more excusable to insert it. The King . . . went one day to see the Public Library when he was showed among other books a Virgil nobly printed and exquisitely bound. The lord Faulkland, to divert the King, would have his Majesty make a trial of his fortune by the Sortes Virgilianæ, which, everybody knows, was an usual kind of augury some ages past. Whereupon, the King opening the book, the period which happened to come up was that part of Dido's imprecation against Æneas which Mr. Dryden translates thus:—

> Yet let a race untamed, and haughty foes,
> His peaceful entrance with dire arms oppose;
> Oppressed with numbers in th' unequal field,
> His men discouraged, and himself expell'd,
> Let him for succour sue from place to place,
> Torn from his subjects, and his son's embrace.
> First let him see his friends in battle slain,
> And their untimely fate lament in vain;
> And when at length the cruel war shall cease,
> On hard conditions may he buy his peace;
> Nor let him then enjoy supreme command,
> But fall untimely by some hostile hand,
> And lie unburied on the barren sand.

"It is said King Charles seemed concerned at this accident, and that the Lord Falkland, observing it, would

[1] According to Lady T. Lewis.

likewise try his own fortune in the same manner, hoping he might fall upon some passage that could have no relation to his case, and thereby divert the King's thoughts from any impression the other might have upon him ; but the place that Falkland stumbled upon was yet more suited to his destiny than the other had been to the King's ; being the following expressions of Evander upon the untimely death of his son Pallas, as they are translated by the same hand :—

> O Pallas ! thou hast failed thy plighted word,
> To fight with caution, not to tempt the sword :
> I warn'd thee, but in vain ; for well I knew
> What perils youthful ardour would pursue ;
> That boiling blood would carry thee too far,
> Young as thou wert in dangers, raw to war !
> O curst essay of arms, disastrous doom,
> Prelude of bloody fields and fights to come." [1]

There is nothing inherently improbable in the story, for as Lady Verney points out "belief in astrology and divination of various kinds was still strong. . . . 'A fate' was often forecast by a chance verse out of the Bible or a line from Virgil who seems to have retained something of the sanctity with which Dante regarded him three centuries before." Among other instances Lady Verney quotes—uncritically—this story of Falkland and the King and a letter written by Cowley when secretary to Lord Jermyn. "The Scotch treaty," he writes, "I hope will come to pass. The King is persuaded of it, and to tell you the truth, *which I take to be an argument above all the rest*, Virgil has told the same thing to that purpose." [2]

The story of the visit to the Bodleian has, however, no contemporary authority, and it is in itself so remarkable that we may well agree with Lady Theresa Lewis that "it is in the highest degree improbable that Lord Clarendon, so

[1] Wellwood, *Memoirs*. [2] Verney, *Memoirs*, i., 120.

tenderly minute in all that concerned Lord Falkland, should have omitted to mention such a striking and pathetic coincidence had it really occurred".

There is indeed abundant evidence of Clarendon's tender solicitude for his friend during these last months of his life. He notes with pain the deepening gloom in which he was enveloped, in consequence of events which he bitterly deplored but was powerless to avert. "From the entrance into this unnatural war, his natural cheerfulness and vivacity grew clouded, and a kind of sadness and dejection of spirit stole upon him, which he had never been used to; yet being one of those who believed that one battle would end all differences, and that there would be so great a victory on one side, that the other would be compelled to submit to any conditions from the victor (which supposition and conclusion generally sunk into the minds of most men, and prevented the looking after many advantages, that might then have been laid hold of), he resisted those indispositions, *et in luctu, bellum inter remedia erat.* But after the King's return from Brentford, and the furious resolution of the two houses not to admit any treaty for peace, those indispositions, which had before touched him, grew into a perfect habit of uncheerfulness; and he, who had been so exactly unreserved and affable to all men, that his face and countenance was always present and vacant to his company, and held any cloudiness and less pleasantness of the visage, a kind of rudeness or incivility, became on a sudden, less communicable: and thence, very sad, pale, and exceedingly affected with the spleen. In his clothes and habit, which he had intended before always with more neatness, and industry, and expense, than is usual in so great a mind, he was not now only incurious, but too negligent; and in his reception of suitors, and the necessary or casual addresses to his place, so quick, and sharp, and severe, that there

wanted not some men, (who were strangers to his nature and disposition,) who believed him proud and imperious, from which no mortal man was ever more free. The truth is, that as he was of a most incomparable gentleness, application, and even demissiveness and submission to good, and worthy, and entire men, so he was naturally (which could not but be more evident in his place, which objected him to another conversation and intermixture than his own election had done) *adversus malos injucundus;* and was so ill a dissembler of his dislike and disinclination to ill men, that it was not possible for such not to discern it. . . .

"When there was any overture or hope of peace, he would be more erect and vigorous, and exceedingly solicitous to press anything which he thought might promote it; and sitting among his friends, often, after a deep silence and frequent sighs, would, with a shrill and sad accent ingeminate the word *Peace, Peace;* and would passionately profess, 'that the very agony of the war, and the view of the calamities and desolation the kingdom did and must endure, took his sleep from him, and would shortly break his heart'." [1]

No words could bring home to us more vividly the agony caused not to Falkland only but to hundreds of generous and high-minded patriots by the hideous spectacle they were compelled to witness. Small wonder that there were on both sides many who were eager to seize upon the faintest chance of peace. Among them the Secretary of State was ever foremost; but his efforts to bring negotiations to a successful issue must form the subject of a separate chapter.

[1] *Hist.*, iv., 239, 240.

BURFORD PRIORY (FRONT)

FROM A DRAWING BY E. H. NEW

CHAPTER III

PEACE NEGOTIATIONS

THE winter brought no formal cessation of arms. While the King established himself at Oxford, and surrounded his headquarters with a girdle of garrisons, there was desultory fighting in the far North and the far West. But the real business of the winter was not war but diplomacy. From December, 1642, until April, 1643, negotiations between Oxford and London were carried on practically without intermission. At Oxford the King's Cabinet (to use a convenient but proleptic description) received an important accession of official strength. In the early spring of 1643 Hyde was at last persuaded to accept office as Chancellor of the Exchequer. According to Clarendon himself, the King's intention was to make Secretary Nicholas Master of the Wards, "and then [these were his Majesty's own words] I must make Ned Hyde Secretary of State for the truth is I can trust nobody else".[1]

Hyde declined to come into office on the heels of Nicholas, but the death of Sir Charles Cæsar, Master of the Rolls, gave the King the opportunity he had long desired. Sir John Culpepper had been promised the reversion of Cæsar's office, and now claimed the fulfilment of it. "This," says Clarendon, "was no sooner declared, than the Lord Falkland [who was much more solicitous to have

[1] Hyde's account is exactly confirmed by an intercepted letter from Charles to the Queen. Firth, *ap. D.N.B., s. v.* Hyde.

Mr. Hyde of the Council than he was himself for the honour] took an opportunity to tell the King that he had now a good opportunity to prefer Mr. Hyde." The King warmly concurred, and the office of Chancellor of the Exchequer was offered to, and accepted by, Hyde. On 22nd February he was sworn of the Privy Council and knighted, and on 3rd March was admitted to office as Chancellor of the Exchequer. Of all the King's intimate counsellors Hyde was probably the most sympathetic and congenial. Unlike Culpepper and Falkland he saw eye to eye with Charles on the question which was primary and vital to them both—the government and services of the English Church, and there was a complete absence of friction in their personal relations. With Falkland it was obviously otherwise. He had accepted office from a sheer sense of duty; he laboured incessantly in the interests of the institution whose cause he had espoused, but for the King personally he felt neither reverence nor affection. It is plain, moreover, that he treated him with as little consideration as was compatible with his own courteous bearing and the exigencies of his office. "Albeit," says Clarendon,[1] "he had the greatest compliance with the weakness and even the humour of other men, when there could be no suspicion of flattery, and the greatest address to inform and reform them: yet towards the King, who many times obstinately adhered to many conclusions which did not naturally result from good premisses, and did love to argue many things to which he would not so positively adhere, he did not practice that condescension; but contradicted him with more bluntness, and by sharp sentences". It can, therefore, cause no wonder that the King "cared less to confer with him in private" than Falkland's great wisdom rendered desirable. But, as Clarendon is careful to add, the King "had not a

[1] *Life*, i., 105.

better opinion of any man's sincerity or fidelity towards him". To the King, however, it must have been an immense satisfaction to be able at last to draw the most trusted of his counsellors into the official circle.

To the King's ministers, especially to those who, like Falkland, ardently longed for peace, the winter months of 1642-43 must have been a period of alternating hope and despair. The country had as yet seen little of war, but it had seen enough to make it long for peace. In particular, the city of London, without whose loyal support Parliament would have been powerless in its contest with the King, was already beginning to feel the pinch of commercial depression, combined with the burden of war taxation. On 12th December the Common Council resolved to present petitions to the King and the Parliament respectively in favour of peace. The remnant of the House of Lords at Westminster was at one with the City. The lawyers in the House of Commons were not less eager than the merchants. It is plain that nothing but the indomitable resolution of Pym kept Parliament firm to its purpose. Pym was not averse to negotiation, so long as there was no sacrifice of the essential ends for the attainment of which he had embarked on war; and he took care that there should be none. On 26th December the Commons agreed to open negotiations with the King, on the basis of the terms proposed to them by the Lords. About a month later they were formally laid before the King at Oxford.

Meanwhile, a deputation from the City arrived at Oxford. Their reception was not encouraging: they were hooted in the streets, and received with scant ceremony by the King. Their proposals were not indeed such as to conciliate the Court. They amounted to a suggestion that the King should forthwith disband his army, and put himself at the absolute disposal of Parliament. The King's answer was in

effect a haughty offer of pardon to such as would make unconditional submission. It is difficult to understand how such terms could have been proposed, for it is undeniable that the merchants were sincerely desirous of peace. Nor was their attitude due merely to the selfish interests of the wealthier citizens. On 3rd January a vast crowd of London apprentices, three thousand strong, besieged Parliament with similar petitions. The home counties, Hertfordshire, Essex and Bedford, did the same. The desire for peace was well-nigh universal, but no man could suggest how it was to be attained.

On 28th January Falkland had the satisfaction of forwarding to Westminster a safe-conduct for the Parliamentary Commissioners. On 1st February they arrived in Oxford, and the peace proposals were immediately laid before the King. The full text may be read in Rushworth's *Collection* or in Gardiner's *Documents*.[1] The propositions afforded no possible basis for negotiation, still less for compromise. The King was to disband his armies; to return to Parliament; to leave "delinquents" to the judgment of Parliament and a legal trial; to disarm the Papists; to compel them to abjure their creed; to assent to legislation for the education of the children of Papists by Protestants in the Protestant religion; to leave the Militia Settlement to Parliament, and to accept Parliamentary nominations to the high judicial offices. In regard to the vital question of the Church, Parliament demanded the King's assent to the Root and Branch Bill, and a promise that he would pass such other bills for Church reform as Parliament after consultation "with godly, religious and learned divines should present to him". Had the military situation of the King been desperate, such propositions might conceivably have obtained a hearing. But so far the balance of military

[1] P. 182.

advantage lay decidedly with the King. Under these circumstances to propose terms which involved the surrender of principles and persons dearest to the King was mere futility. The King's answer,[1] though not unconciliatory in tone was naturally firm. He expressed his willingness to assent to "any good act for the suppressing of Popery and for the firm settling of the Protestant religion now established by law," and suggested that a Bill should be framed for "the better preserving of the Book of Common Prayer from the scorn and violence of Brownists, Anabaptists, and other Sectaries with such clauses for the ease of tender consciences as his Majesty hath formerly offered". Finally the King proposed a cessation of arms and "free trade for all his Majesty's subjects".

This last point was hotly debated in both Houses. The Lords favoured a cessation; the Commons desired to insist on disarmament. Eventually a compromise was reached, and Parliament resolved to ask for a cessation of arms limited in duration to twenty days. These "articles of cessation" were presented to the King on 1st March, and on the 6th the King's reply was communicated to Parliament. Neither proposal was satisfactory, but Parliament "being still carried on with a vehement desire of peace" sent further instructions to the Commissioners at Oxford on 18th March. For a whole month negotiations continued at Oxford. Almost daily communications passed between Falkland on the one side and the Parliamentary Commissioners, the Earl of Northumberland, Sir William Armine, Sir John Holland, William Pierrepoint and Bulstrode Whitelocke on the other. Frequent instructions were also sent to the Commissioners from Westminster. The curious may still follow the daily course of the negotiation in Rushworth's collection of historical documents. Falkland

[1] Rushworth, v., 168. The answer is not printed in Gardiner's *Documents*.

played a leading part in it. His position made this inevitable; but it is not rash to surmise that his formal communications as Secretary of State were supplemented by personal intercourse with the Parliamentary Commissioners. Clarendon's account of the secret history of the "Treaty of Oxford," if we may accept it, leaves no room for doubt upon this point. "Some persons among them (the Commissioners) who were known to wish well to the King endeavoured underhand to bring it to pass. And they did therefore whilst they publicly pursued their instructions, and delivered and received papers upon their propositions privately use all the means they could especially in conferences with the Lord Falkland and the Chancellor of the Exchequer that the King might be prevailed with in some degree to comply with their unreasonable demands." The correspondence of Sir Thomas Roe with Falkland points unmistakably in the same direction. He is writing not to the Secretary of State, but to one who was well known to the peace advocates on both sides as the most ardent among them. "If," he wrote on 19th March, "you can agree the cessation, which is the popular part, the articles will follow almost by necessity, and this rule only I will lay, that if you must or shall make war successfully, you must set peace in the first rank, you must show that she is vanished from you and your arms are only employed to rescue the beloved of all men." He wrote again on 6th April with even more passionate protestations. "If indignation could make a poet against nature, the passions of a troubled spirit may excuse any errors of a well-affected zeal. I cannot forbear to inform you that the last message of his Majesty (*i.e.*, the demand for the immediate surrender of the ships and forts) both utterly discomposed even all those who seriously pursued and grasped after the hopes of accommodation. They pretend to have no ground nor subject left them to

continue their endeavours. There is another party who triumph and proclaim that it is you that decline the peace by refusing the cessation which, though I know it be in some points disadvantageous to his Majesty, yet, considering the popularity of such an expectation, I cannot conceive the inconveniences of equal weight to the general opinion which would have been gained to your part by yielding, which is often the true way to perfect victory."

To these interesting letters Falkland replied on 18th April as follows:—

"If my health were not so ill, with all my business to boot, I should not hope to be excused for being so slow in giving you thanks for two so great favours. I heartily wish we were able to make use of any good inclinations to us beyond sea, and perhaps they are the kinder because they find it safe to be so whilst we are as we are, that is, unable to take them at their words and make use of their kindness. . . . My desire of peace, and my opinion of the way to it agree wholly with yours, and I wish the second followed —but both sides must then contribute that the first might be obtained, and I might then have occasion to congratulate with the kingdom too. His Majesty hath commanded me to let you know he is very sensible of your present condition and he is sorry for nothing more than that his friends—especially so honest and deserving a man—should be in danger for being so, and he not able to protect them: but that if retiring yourself hither out of their power would stand with your occasions, he assures you you shall be very welcome; but what to advise you if you stay I find he knows not, and I am sure I know as little."[1]

Good men both in London and Oxford were not merely

[1] Gardiner (*C. W.*, i., 102, 103) prints Roe's letter from Harl. MSS., but curiously he omits Falkland's still more interesting reply, for which *cf.* S. P. Dom., Car. I., vol. cccxcvii., No. 65.

sighing but labouring for peace. But it was all to no purpose. The King insisted that his revenue, magazines, ships and forts should be immediately restored to him, and on 14th April the Parliamentary Commissioners were recalled from Oxford. With so excellent a disposition on both sides, how came the negotiations at Oxford to fail? The answer to this question has more than an immediate significance. Pym was doubtless as obstinate as the King; but Pym disappeared from the stage before the end of the year, and still Charles proved unyielding.

Clarendon's account makes it abundantly clear that the King did not give his entire confidence to his official advisers, to the devoted men without whose "joint advice" he had promised to take no important step. Behind the "cabinet" there were the Princes and Digby, and behind both there was the Queen. The picture which Clarendon draws of the relations between Charles and Henrietta Maria is idyllic. "The King's affection to the Queen was of a very extraordinary alloy; a composition of conscience and love and generosity and gratitude and all those noble affections which raise the passions to the greatest height; insomuch as he saw with her eyes and determined by her judgment."[1] But a domestic idyll may mean a political tragedy. When the Queen left England to labour for his cause abroad, the King had promised that "he would never make any peace but by her interposition and mediation that the kingdom might receive that blessing only from her. This promise (of which his Majesty was too religious an observer) was the cause of his rejection or not entertaining their last overture." "Where the fault lay I judge not," says May;[2] but Whitelocke—himself one of the Parliamentary Commissioners at Oxford—concurs with Clarendon.[3] At the same time he gives a favourable impression of the King's

[1] *Life*, i., 185. [2] *Long Parliament*, 278. [3] *Memorials*, 68.

conduct during the negotiations. At all times it seems the Commissioners had access to him and were allowed "very free debate with him". He was generally attended in these conferences by Rupert, Lord Southampton, the Lord-Keeper[1] and the Lord Chief Justice[2] besides the lords of his council. But these played a subordinate part. They never, says Whitelocke, "debated any matters with us, but gave their opinions to the King in those things which he demanded of them, and sometimes would put the King in mind of some particular things, but otherwise they did not speak at all." The King "manifested his great parts and abilities, strength of reason and quickness of apprehension with much patience in hearing what was objected against him. . . . His unhappiness was that he had a better opinion of others' judgments than of his own." Among the "others," Rupert and the Queen, who had landed in Yorkshire in the middle of the negotiations, were unquestionably the most influential.

It was not only with Parliament that the King was in treaty during the winter of 1642-43. Scotch Commissioners reached Oxford on 17th February—among them Lord Loudoun and Mr. Alexander Henderson—Lord Lanark[3] arrived later. From a letter of Baillie's[4] it would appear that "their life was verie uncomfortable all the tyme at Oxford. . . . None durst them any sensible favour. In the streets, and from windows they were continually reviled by all sorts of people." The King's treatment of the Scots seems to have been the height of impolicy, and strangely lacking even in common courtesy. "Before any answer was given twenty dayes would passe; for his Majesty had no leasure. When they did in 24 houres give in their replyes, other 20 dayes would passe before the Secretaries, Nicolas, Falkland, Hyde, Ashburnham, Lanerick could have leasure to answer: so the year should have passed in vaine,

[1] Littleton. [2] Bankes. [3] Baillie's "Lanerick," afterwards Duke of Hamilton. [4] *Letters and Journals*, ii., 66.

had they not been recalled." There is some ground perhaps for Baillie's comment uttered more in sorrow than in anger: "This policie was, lyke the rest of our unhappy malcontent's wisdom, extreamlie foolish; for it was verie much for the King's ends to have given to our Commissioners, farr better words, and a more pleasant countenance". On the other hand there was at least an element of truth in the common rumour reported by Wood: "it is thought that there is some double dealinge on the Scott's side in this businesse". At Oxford, in 1643, as elsewhere and always, the one supreme object of the Scots was to force upon the King and the people of England an ecclesiastical system which they detested. On this point no compromise or accommodation was possible until the King's will was broken and his plight was desperate.

This negotiation throws an interesting light upon the relations which at this time subsisted between the King and his council—notably Falkland and Hyde. Lord Loudoun and his colleagues presented to the King "a long paper" containing "a bitter infection against Episcopacy and demanding the establishment of the Presbyterian system". The King it appears[1] was anxious to take this opportunity of replying in detail to the theological argument and thus stopping at the outset any attempt to tamper with "his affection and zeal for the Church". "Many of the lords," says Clarendon, "were of opinion that a short answer would be best, that should contain nothing but a rejection of the proposition, without giving any reason; no man seeming to concur with his Majesty; with which he was not satisfied; and replied with some sharpness upon what had been said. Upon which the Lord Falkland replied, having been before of that mind, desiring that no reasons might be given; and upon that occasion answered many of those reasons the

[1] Clarendon, *Life*, i., 190 *et seq.*

King had urged, as not valid to support the subject, with a little quickness of wit (as his notions were always sharp, and expressed with notable vivacity,) which made the King warmer than he used to be; reproaching all who were of that mind with want of affection for the Church; and declaring, that he would have the substance of what he had said, or of the like nature, digested into his answer: with which reprehension all sat very silent, having never undergone the like before." The King turned for support to Hyde. The latter poured oil upon the troubled waters. "He did think that it was very fit that his Majesty's answer to this paper should contain a very severe and sharp reprehension for their presumption," but he hinted that the theological arguments had better be reserved for a Synod. The King was "so well pleased that he vouchsafed to make some kind of excuse for the passion he had spoken with," and cordially agreed with the Chancellor that "this was not the season nor the occasion in which those arguments which he had used were to be insisted on".

The Scotch mission was thus as barren in results as that of the English Parliament. Diplomacy had exhausted its resources: it was now left to the soldiers to cut the Gordian knot. But before passing to an account of Falkland's last campaign, it is necessary to say something of an episode which was neither diplomacy nor war.

"Waller's Plot" is still involved in some obscurity—partly perhaps owing to the genius of Clarendon, who is never less reliable than when with professions of transparent candour he declares, as in this case, his intention to tell all he knows, has heard or can "reasonably conjecture". Clarendon would have us believe that there were two distinct designs on foot, one connected with the issue of a Commission of Array to Sir Nicholas Crisp, the other a purely pacific design of which Waller was the mainspring. Later research

has made it clear that the two movements were closely associated, or rather parts of one whole.

With Edmund Waller we have already made acquaintance at Great Tew as one of the most richly gifted of the poets with whom Falkland loved to surround himself during the earlier phase of his literary enthusiasm. Possessed of ample means, a cousin of Hampden's, intimate with the King's confidential advisers, a brilliant Parliamentary orator, Waller had now attained to a considerable political position. In the Long Parliament he was regarded "as a person of very entire affections to the King's service, and to the established government of Church and State," and his entire independence of the Court gave him the better opportunities of service. On the outbreak of the war he remained, "with the King's approbation," at Westminster, and there became one of the recognised leaders of the "peace party". His friendship with Falkland further marked him out as an obvious intermediary between the friends of peace at Oxford and Westminster. Through his brother-in-law, Nathaniel Tompkins, he was, at the same time, in close touch with the city. The "plot" was probably hatched during the peace negotiations at Oxford. The object was to secure the Tower, the magazines, and strongholds of the city, to open the gates to a Royalist army, and to seize the persons of Pym, Hampden and other leaders of the extreme left. The King issued a Commission of Array under the Great Seal to Sir Nicholas Crisp and others, authorising them to raise a force in the city. This commission, though signed at Oxford on 16th March, was not despatched to London until 19th May, when it was secretly conveyed by Lady D'Aubigny and Alexander Hampden—a cousin of the member for Bucks.

Meanwhile, suspicions were aroused in the Commons. A letter from Lord Dover to his wife, bidding her leave London with her children, fell into the hands of the Committee of

Safety. Pym's secret agents, moreover, were never greatly at fault, and in this case they found a useful spy in the person of a certain Roe, a clerk to Tompkins. Hassell, a King's messenger who passed constantly backwards and forwards between London and Oxford, was also guilty of indiscretions. Suddenly, on 31st May, Waller and Tompkins were arrested. Tompkins and his associate Chaloner—a leading tradesman in the city—were brought before a military tribunal presided over by Manchester, were convicted and hanged. Waller had powerful friends, a persuasive tongue and a long purse. To one or all of these he owed his life. After little more than a year's imprisonment he offered to compound for his offences by a £1,000 fine. The composition was accepted and Waller was banished. The same influences sufficed to procure his recall after a few years of exile. He obtained office under Cromwell and sat complacently in the post-Restoration Parliaments until his death at Hall Barn on the eve of the Revolution of 1688.

Two points remain to be noticed: the political effects of "Waller's Plot," and the question of Falkland's complicity. The discovery of the "plot" was of course fatal to any lingering hopes of peace. Pym's obduracy was thrice justified, and he was not the man to neglect any advantage which might accrue from an incident so opportune. A public thanksgiving for the deliverance of Parliament was ordained; a vow or covenant was drawn up and eagerly taken by members of both Houses and the public at large;[1] and the Lords were at last induced to assent to the meeting of an assembly of divines charged with the duty of devising a new government liturgy, and creed for the Established Church.

Of more immediate interest to the biographer is the question of Falkland's complicity in Waller's designs.

[1] Rushworth, v., 325.

"Plot" has an invidious and question-begging connotation and had better in this connection be avoided. One thing must be constantly borne in mind. There had been no cessation of arms. The military and diplomatic games were being played concurrently in adjacent fields. Waller's design was an ingenious though dangerous attempt to combine and confuse them. He and his associates played for high stakes, and failure would probably involve a dishonourable death. But was there anything in the game of which any honourable man need be ashamed? The case against Waller has generally been allowed to go by default, and his own poltroonery on the detection of the design deprives him of any possible claim to sympathy. But for the sake of his associates it is necessary to insist that both technically and actually King and Parliament were at war, and that each therefore was free to take any means for the discomfiture of the other, despite the concurrent negotiations for peace.

That Falkland was among these associates it is impossible for the candid inquirer to doubt. Whether he was cognisant of all the details no man can say. "He conducted," says Gardiner, "the secret correspondence with the London partakers in Waller's plot, but it is impossible now to say whether he did so as a mere matter of duty, or whether he considered that all was fair against enemies who were also rebels."[1] The case is not quite fairly put. Would Pym and Hampden, we may ask, have hesitated to embark upon similar negotiations with—say—Alderman Nixon of Oxford for the discomfiture of an enemy who was also a King? It is quite certain that they would not. According to Clarendon Falkland's intervention, whether private or official, was confined to the peace negotiation with the city men. "Mr. Tomkins sometimes writ to the Lord Falkland (for

[1] *D.N.B.*

Mr. Waller out of the cautiousness of his own nature never writ word), and by messengers signified to him 'that the number of those who desired peace and abhorred the proceedings of both houses was very considerable; and that they resolved by refusing to contribute to the war, and to submit to their ordinances, to declare and manifest themselves in that manner that the violent party in the city should not have credit enough to hinder any accomodation'. And the Lord Falkland always returned answer 'that they should expedite those expedients as soon as might be, for that delays made the war more difficult to be restrained'." If Clarendon may be trusted, Falkland's part was one to which no possible exception can be taken. Even if he were privy to the whole design, it may well be argued that it would leave no slur upon an unblemished reputation.

That Falkland was becoming enervated by the atmosphere of intrigue in which he now spent his days we may reasonably conjecture. That his health and spirits were alike giving way under the strain of incessant anxiety is clear alike from Clarendon's specific statement, and from the hint contained in his own letter to Roe.[1]

Passionate as was his longing for peace, it must have been with something of relief that he realised at length that the diplomatic game was over, and that peace could now be won only by the sword.

[1] *Supra*, p. 63.

CHAPTER IV

FALKLAND'S LAST CAMPAIGN

THE campaign of 1643 presents to us in miniature a picture of the whole Civil War. At first sight the prospect is bewildering and chaotic ; fighting more or less desultory in every corner of the land, apparently uninspired by purpose or objective; a town taken here; a garrison surprised there; success in one district counterbalanced by failure in another. But on a closer scrutiny a design of high strategical importance is unmistakably revealed; the factors making for success or failure are plainly visible.

London is the King's objective; its capture is to be secured by a triple advance. Newcastle, having cleared Yorkshire of rebels, is to pierce through Cromwell's force in Lincolnshire, and advance by the Great North road on the capital. Grenville and Hopton, having made all secure in Cornwall and Devon, are to come up from the West, and keeping south of the Thames to march through Surrey and Kent on Southwark. Newcastle and Hopton having joined hands to the east of London, the King will clinch matters by an advance on the West, while the Welshmen will cross the Severn and keep everything safe between Severn and Thames. The plan was conceived with admirable strategical skill,[1] but it was wrecked by the operation

[1] That the King was responsible for the scheme will surprise no one who recalls the Duke of Wellington's high opinion of Charles I. as a soldier.

of four unforeseen factors. The command of the sea; the unwillingness of the local levies to leave home; the dogged resolution of Essex; the germinating genius of Cromwell; these enabled the Parliamentary cause to weather the stormiest sea to which it was exposed. The diplomacy of Vane and Pym was doubtless a powerful factor in the background. Baillie is justified in taking credit for the Scots in coming to the assistance of a ruined cause. But before the Solemn League and Covenant was signed, the tide was already on the turn. "Surely," says Baillie, "it was a great act of faith in God and huge courage and unheard of compassion that moved our nation to hazard their own peace and venture their lives and all for to save a people irrecoverably ruined both in their own and all the world's eyes."[1] Baillie expressed the view of the situation which any reasonable and candid person would have taken in the autumn of 1643. But looking back it is not difficult to perceive that the ultimate victory of Parliament was already implicit in the unshaken tenacity of Gloucester, Plymouth and Hull; in the revealed military weakness of the local levies; in the new organisation adopted as yet only by a single regiment in the Eastern Counties, but soon to be extended to the whole Parliamentary army; above all, in the genius of the man by whom that organisation was devised.

Detailed description of military tactics, even the accurate diagnosis of the operation of strategical forces are beyond the scope of the present work.[2] The merest outline must suffice.

During the late autumn of 1642 and the early spring of 1643 things went well for the King. Hopton cleared Cornwall, but could not induce his men to follow him into

[1] ii., 99.

[2] For this chapter generally *cf.* Clarendon, *Hist.*, vol. vii., and Gardiner, *C. W.*, i., chaps. vii.-x.

"England," and he turned back therefore to raise a less parochial force. Newcastle was on the whole successful in the North, but could make little impression on the clothing towns of the West Riding and none on Hull. By the end of February most of the Midland towns were in the King's hands. The Queen, whose splendid pluck redeemed her political folly, landed at Bridlington on 22nd February, with much-needed supplies of money and arms. These reached Oxford safely under convoy on 13th May, and the Queen herself followed in July. Meanwhile, the general strategical movement on London was resumed, and seemed by the middle of the summer to be within measurable distance of accomplishment. On 30th June Newcastle's "Papists" won a great victory over the Fairfaxes, near Bradford, and the resistance of the West Riding was at an end. But two obstacles barred their march on London. Hull, succoured from the sea, still held out in spite of the treachery of the Hothams; and while Hull was untaken the squires and yeomen and peasants of the North refused to come South. In the West things went better. Plymouth, like Hull, and for the same reason, remained intact; but either Hopton was more persuasive than Newcastle, or the Cornishmen were less canny than the Tykes. Hopton's victory at Stratton on 16th May left him free to advance into Devon; all Devonshire, except the big towns, came in for the King, and in the course of the summer all the towns, except Dartmouth and Plymouth, followed suit. In June Hopton joined hands with Prince Maurice and Lord Hertford at Chard, and pushed on into Somerset and Wilts. Sir William Waller was waiting for him at Bath, but the victories at Lansdowne (5th July) and on Roundway Down, near Devizes, a week later, annihilated Waller's force, and cleared the way to Oxford and London. Bristol, the second city of the kingdom, was still holding out, but on 26th July it surrendered to Rupert; Carnarvon

cleared Dorsetshire in August, and with the exception of some isolated seaports the whole of the West was solid for the King. In Dorsetshire, Lyme Regis and Poole; in Devonshire, Dartmouth and Plymouth, were still held for Parliament, but from Mount's Bay to the Mersey the continuity of the King's country was broken only by the obstinate courage of the citizens of Gloucester. The "Parliament side" was indeed "running down the brae," as Baillie picturesquely but accurately puts it. The news of the surrender of Bristol came to London, says May "like a sentence of death". "The Parliament," he adds, "was at that time so far sunk both in strength and reputation, and so much forsaken by those who followed fortune that nothing but an extraordinary providence could make it again emergent."[1]

And if the prospect was black in the West, the Midlands and the North, there was nothing in the operations in the Thames valley to relieve the prevalent gloom. Essex had taken Reading, which was ill-defended, at the end of April, but he had not the means, or possibly the persistence, to push through to Oxford. A second attempt in June was attended by a disastrous accident. He got as far as Thame, but his troops were disorganised by Rupert's brilliant sallies from Oxford, and all the heart was taken out of the campaign by Hampden's death. Mortally wounded in a cavalry skirmish on Chalgrove field (18th June), he died at Thame on 24th June. The death of John Hampden caused, says Clarendon, "as great a consternation of all that party as if their whole army had been defeated or cast off". Inferior in statesmanlike grasp and political adroitness to Pym; inferior as a soldier to Fairfax or Cromwell, Hampden left behind him a memory which even his bitterest opponents made no attempt to sully. Claren-

[1] *Long Parliament*, 341.

don never quite forgave him for his influence on Falkland, but even he acknowledges his "flowing courtesy to all men," and confesses that "his carriage throughout this agitation was with that rare temper and modesty, that they who watched him narrowly to find some advantage against his person . . . were compelled to give him a just testimony".[1]

But although the King's success in the field was beyond all expectation, although considerable progress had already been made towards the realisation of his great design, his position was not sound. The devotion of his followers —notably the Roman Catholics, with Lord Worcester at their head—put at his disposal considerable resources: the Universities, as we have seen, did their part nobly; the Queen left no stone unturned to serve her husband; but Parliament commanded all the permanent sources of supply. They could not only draw on the commercial wealth of England, but all that money could buy they could import freely from the Continent. They never lacked, therefore, arms or ammunition. The King was short of both. Better still, they could pay their troops regularly, and Cromwell taught them the importance of doing so. In the earlier stages of the war they had to contend with the same local difficulties which proved so fatal to the King's superior strategy. "The custom of the sojours here is woeful: they cannot bide from home a month together on any condition." So Baillie[2] wrote as late as November, 1644. But already the nucleus of a professional army had been formed in the Eastern Counties, and the extension of the same principle to the whole of the Parliamentary forces was destined by a few effective blows to bring the first Civil War to a speedy end.

But the New Model was still in the future; the King's worst foes in 1643 were those of his own household.

[1] *Hist.*, iv., 84. [2] ii., 241.

Between the proud English nobles and the insolent Palatine princes it was terribly difficult to keep the peace. Hardly less difficult was it to reconcile the conflicting policies of statesmen like Falkland and Hyde and irresponsible courtiers like Jermyn and Digby. Small wonder that, standing daily at the King's elbow, Falkland grew sadder and graver as the weeks went by. The personal quarrels and jealousies, only kept in abeyance by the influence of the King, broke out into open rupture when he was not on the spot. Sir Philip Warwick hints that the resistance of Hull was not the sole reason for Newcastle's refusal to come South. Warwick had been sent by the King to persuade Newcastle to do so, but "found him," he writes, "very averse to this, and perceived that he apprehended nothing more than to be joined to the King's army, or to serve under Prince Rupert; for he designed himself to be the man that should turn the scale, and to be a self-subsisting and distinct army wherever he was".[1] Warwick may have been wrong, but his words throw an interesting light on the mutual relations of the Royalist generals. But the King had worse difficulties to contend with nearer home. After the taking of Bristol the long-standing dispute between Hertford and the Prince came to a head. Hertford as Lord Lieutenant deeply resented Rupert's action in signing the articles of capitulation on his own sole authority, and in order to mark his sense of the indignity the Marquis nominated Hopton to the governorship of the city without consulting Rupert. Rupert thereupon wrote to the King to desire "that he would bestow the government of that city, reduced by him, upon himself".[2] The King, "not suspecting any dispute," immediately assented, but upon learning the facts determined to go down to Bristol himself. "The

[1] Warwick, *Memoirs*, 243.
[2] Gardiner (*C. W.*) and Clarendon.

settlement of the port," says Clarendon, "which was of infinite importance to the King in point of trade and his customs and with reference to Ireland, and the applying the army to some new enterprise without loss of time, could not be done without his Majesty's presence." He took with him the Duke of Richmond, Falkland, Culpepper and Hyde. The King spent a night at Malmesbury on the way, while Falkland and Culpepper were Hyde's guests at Pirton. It was probably the last occasion on which the three friends so long associated found themselves together, and alone. The King and his counsellors reached Bristol on 1st August, and the immediate business was despatched by making Hopton Lieutenant Governor under Prince Rupert and raising him shortly afterwards to the peerage. Hertford was carried off to Oxford by the King.

During the brief stay at Bristol there was an incident which caused further friction between Hyde and Culpepper. Hyde rightly deemed it pertinent to his office to inquire into the condition of the trade of Bristol, and the revenue likely to be derived therefrom. To his mortification he found his inquiries anticipated by Ashburnham, who as Paymaster of the Army had been instigated to a like inquiry by Culpepper. This "the Chancellor took very heavily, and the Lord Falkland, out of his friendship to him more tenderly, and expostulated it with the King with some warmth; and more passionately with Sir John Culpepper and Mr. Ashburnham, as a violation of the friendship they professed to the Chancellor, and an invasion of his office, which no man bears easily". The quarrel was patched up; the offenders "made some weak excuses of incogitance and inadvertence," and the King himself "was pleased to take notice of it to the Chancellor, with many gracious expressions".[1] The incident deserves notice only as a further illus-

[1] *Life*, i., 199.

tration of the personal jealousies by which the unhappy King was distracted, and the valuable assistance which he received from Falkland in the ceaseless work of mediation.

Before the King left Bristol a much more important matter claimed his attention. He had to decide a strategical question of the first importance. Gloucester was still untaken. Was it better, neglecting Gloucester, to lead his armies flushed with an unbroken career of victory straight upon the capital, or was it essential to take Gloucester first? It was generally supposed that it would mean at the worst only a few days' delay. "The surrender of Bristol," wrote May, "must needs strike a great terror and sad amazement into Gloucester which now seemed to stand forlorn in the midst of a large country possessed by their victorious enemies."[1] Fiennes declared that "they would be hanged if Gloucester could hold out two days if the enemy came before it". It was a difficult and, as it proved, a momentous decision which the King had to take. Political considerations undoubtedly pointed in one direction, strategical perhaps in the other. An immediate advance on London might possibly have ended the war. The peace party at Westminster was strong though not dominant, and mobs were calling for the blood of "that dog Pym and the traitors that were against the Peace". Peers were deserting daily and finding their way to Oxford and Bristol, though only to meet with a reception which was injudiciously chilling. At Oxford, still more in London, the opinion was strongly in favour of a march on the capital "to take the advantage of those distractions".

Military considerations on the other hand told strongly in the opposite direction. Victorious as the King had been, he had now at his actual disposal only "a miserable army lessened exceedingly by the losses it sustained before

[1] P. 332.

Bristol";[1] the Cornishmen would only march West, and the Welshmen would not march East until Gloucester fell. A few days would probably suffice for the job; not a single blot would then remain upon the fair scutcheon of the West, and the King would march at the head of a united and enthusiastic army to receive the submission of the depressed and distracted capital. There was no denying the potency of this reasoning, but the scale was actually turned, according to Clarendon, by a letter from Colonel Massey, who was in command of the garrison of Gloucester, declaring that "if the King came himself with his army and summoned it, he would not hold it against him".

The momentous decision was taken. The King marched to Gloucester, and on 10th August, "out of his tender compassion for the city," summoned it to surrender. The answer was unexpectedly defiant. The citizens declared themselves "wholly bound to obey the commands of his Majesty signified by both houses of parliament," and their resolution "by God's help to keep this city accordingly". The King, therefore, was compelled to sit down before the city, and for twenty-six days it was closely invested.[2] Except for a flying visit of four days to Oxford, rendered necessary by the prevailing quarrels at Court, the King was lodged throughout the siege with his two sons at Matson. Falkland, of course, was with him, and his old friend Chillingworth was also in the camp. The theological arguments of Great Tew were resumed by night "in a smoky hut," but neither disputant was an idle spectator of the siege. The King's army had no scientific siege-train, and Chillingworth, therefore, suggested the invention of some engines after the manner of the Roman *testudines cum pluteis* in order to storm the place.[3]

Falkland, if we may trust the gossip of Aubrey, had

[1] Clarendon. [2] For siege *c.f.* F. A. Hyett's *Gloucester*—a work which has appeared too late for me to utilise. [3] Tulloch.

a special share of responsibility for the King's decision to take Gloucester. "In the civill warrs," writes Aubrey, "his advice was very unlucky to his Majestie in persuading him . . . to sitt downe before Glocester, which was so bravely defended by that incomparably vigilant governor Coll. Massey and the diligent and careful soldiers and citizens (men and women) that it so broke and weakned the King's army that 'twas ye procatractique cause of his ruine—vide Mr. Hobbes. After this, all the King's matters went worse and worse."[1]

Aubrey's unsupported testimony is entitled to no credence, but be the truth of his story what it may, Falkland exhibited such a feverish anxiety to prove his military courage as to draw down upon himself a just reproof from Hyde. Falkland's labours in the cause of peace were of course notorious; his "ingeminations" *Peace, Peace*, may have been overheard by unfriendly ears. There was a malicious rumour "that he was so much enamoured on peace that he would have been glad that the King should have bought it at any price". Clarendon characterises it as "senseless scandal," and "a most unreasonable calumny". But the gossip reaching Falkland's ears obviously made some impression on nerves that were overwrought, and provided a man notoriously prone to rashness in the field with "an excuse for the daringness of his spirit". "At the leaguer before Gloucester," says Clarendon, "he delighted to visit the trenches and nearest approaches and to discover what the enemy did." His friends "passionately reprehended him for exposing his person unnecessarily to danger . . . as being so much beside the duty of his place that it might be understood against it". To this Falkland would reply merrily, "that his office could not take away the privileges of his age; and that a secretary in war might

[1] Aubrey, *Letters*, i., 151, ed. Clark.

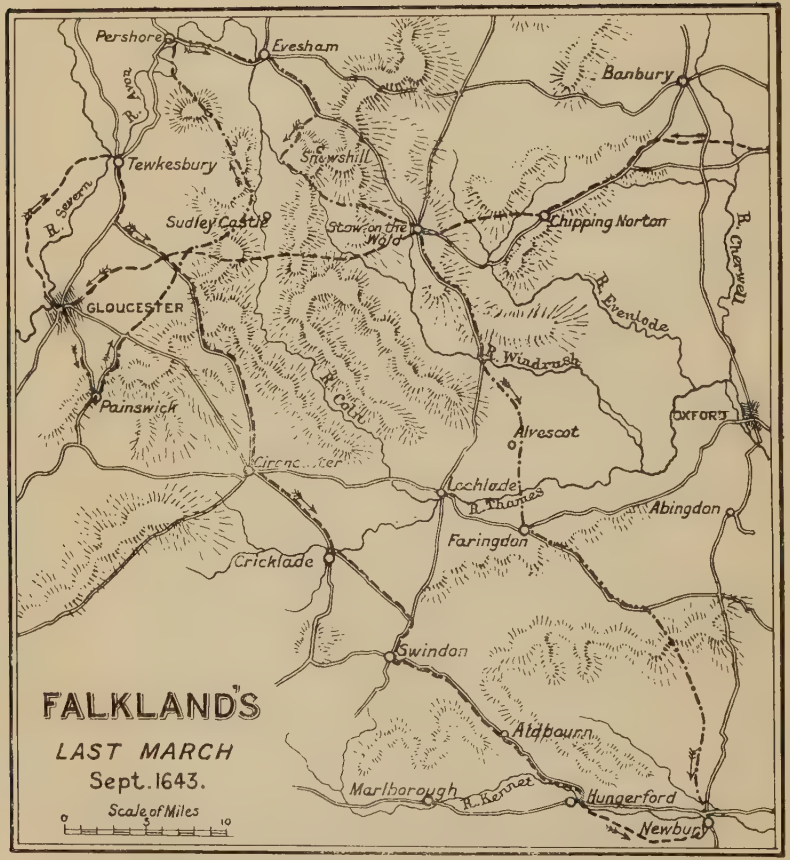
be present at the greatest secret of danger"; but withal alleged seriously "that it concerned him to be more active in enterprises of hazard than other men; that all might see, that his impatiency for peace proceeded not from pusillanimity, or fear to adventure his own person."[1]

But no courage, however unprofessional, on the part of Falkland, and no investment, however scientific, could shake the resolution of the hardly pressed Puritans of Gloucester, and help from outside was not long withheld. Pym was alive to the importance of the siege. Peace discussions were put impatiently aside. An appeal was made to the patriotism of the London prentices. The Puritan preachers vied with Pym in their exhortations. The train-bands responded nobly. On 26th August Essex set out from Colnbrook and found himself at the head of 15,000 men.

The march of the London prentices under Essex to the relief of Gloucester is the finest military achievement in the Civil War. Marching through Bucks they had to give a wide berth to Oxford on the left, and, harassed though not delayed by Wilmot's horse, they swept round by Aynhoe, Adderbury and Chipping-Norton to Stow-on-the-Wold, which they reached on 4th September. The present Great Western line from Chipping-Norton to Cheltenham follows closely the march of Essex. The high and unenclosed table-land of the Cotswolds ought to have provided splendid ground for Rupert's cavalry, and he engaged Essex's force again and again. But the spirit of the Londoners was unquenchable, and steadily they pushed Rupert back. After two days' desultory fighting they were in sight of their goal.

Meanwhile the beleaguered city was reduced to the direst straits; on 5th September only three barrels of powder were left; but by that time Essex was at Prestbury, above Cheltenham. There he learnt to his amazement that the siege

[1] iv., 241.



NOTE.—SIEGE OF GLOUCESTER BROKEN UP SEPT. 5TH; KING AT SUDELY CASTLE, SEPT. 7TH-12TH; PERSHORE, 12TH; EVESHAM, 14TH-16TH; SNOWSHILL, 16TH; ALVESCOT, 17TH; WANTAGE, 18TH; NEWBURY, 19TH; BATTLE OF NEWBURY AND DEATH OF FALKLAND, SEPT. 20TH

was over, and that the King's army had gone. Essex gave the prentices two days' rest at Cheltenham, and on 8th September marched at their head in triumph into Gloucester. The relief of Gloucester was the turning-point of the war. The resolution of its citizens, the dogged pertinacity of the London prentices, the masterly leadership of Essex saved the Parliamentary cause.

But the situation was still perilous. Why the King did not with his whole force meet the wayworn Londoners above Cheltenham it is difficult for a layman to surmise. But the critics agree that his strategy at this juncture showed extraordinary judgment and skill. Rupert's cavalry could not stop Essex on the Cotswolds, and the King therefore decided to break up his camp and to make a dash for London, or at least block the return of its wearied defenders. Falkland's last march had begun.

Leaving the plain of Gloucester on the 5th, the King climbed up to Painswick and thence marched along the ridge to Sudeley. After resting at Sudeley Castle he stayed nearly a week awaiting the return of Essex. Essex, however, knew better than to return through the wasted country by which he had come, and marched North to Tewkesbury as though for an attack on Worcester. The King, watching him closely moved on to Pershore and thence to Evesham, still heading him off from the South. But while the King was at Evesham Essex suddenly turned South (15th September), and made all speed for London, marching by way of Cirencester and Hungerford. At Cirencester he surprised a small Royalist garrison and also picked up "a great quantity of provisions prepared by the King's commissaries for the army before Gloucester, and . . . sottishly left for the relief of the enemy."[1] The King, meanwhile, realising that Essex had given him the slip, had no option but to

[1] Clarendon.

go in pursuit of him. He had the "inside" station and could march almost due South. Climbing the Cotswolds by the lovely village of Snowshill (16th September) he crossed Essex's late tracks at Stow-on-the-Wold, and marching "with matchless industry" by way of Alvescot and Faringdon reached Wantage on 18th September. Essex was then at Hungerford, some fifteen miles to S.S.W. A cavalry skirmish on the 18th on Aldbourn Chase headed Essex off from Newbury, and enabled the King to win the race to Newbury and so straddle the London road.

The King was now in a strong position and could afford to act on the defensive: Essex had to break through or starve.

On the morning of the 20th the battle was joined. The tactics of Essex, well seconded by Skippon, were admirable. The King on the other hand was compelled to quit his strong defensive position "by the precipitate courage of some young officers who had good commands and who unhappily always undervalued the courage of the enemy".[1] Rupert's cavalry displayed their usual courage and dash, but Essex' infantry was immovable. Even Clarendon is roused by their conduct at Newbury to something like enthusiasm for his opponents. "The London trained-bands . . . behaved themselves to wonder; and were in truth the preservation of that army that day. For they stood as a bulwark and rampire to defend the rest." Throughout a long day the battle raged hotly all along the line. When night fell no real advantage had been won by either side. The King was still in Newbury; Essex was no nearer London. Every one supposed that the fight would be renewed on the morrow. But when morning broke Essex learned to his astonishment that the King had withdrawn his troops. The road to the capital was open. The King threw a

[1] Clarendon.

garrison into Donnington Castle, and a few days later was back at Oxford.

What had induced the King's retreat? The ostensible reason was lack of ammunition, but it may be that he realised that with all their impetuous courage his Cavaliers were no match for the London train-bands, who with dogged resolution had followed Essex from London to Gloucester, and from Gloucester to Newbury. His losses too were heavy—heavy as regards numbers, still heavier as regards quality—for he left dead on the field the gallant Carnarvon, Sunderland—"a lord of great fortune, tender years and an early judgment," and—more grievous still—his own Secretary of State, Lucius Cary, Viscount Falkland.[1] "In this battle of Newbury the Chancellor of the Exchequer lost the joy and comfort of his life." So, with pathetic simplicity, Clarendon wrote of his friend six-and-twenty years after the event.

Falkland had, as we have seen, been with the King throughout the siege of Gloucester, and from Gloucester had marched with him to Newbury. On the night before the battle the King stayed at the house of the Mayor, Mr. Gabriel Coxe; Falkland slept "at the house of a Mr. Head in Cheap Street, and early next morning, by his express wish, the sacrament was administered to him by Dr. Twisse," the Puritan rector of Newbury, "in the presence of Mr. Head and his whole family who attended at Lord Falkland's especial request. The room which tradition points out as being the scene of Falkland's last communion is in a house now known as No. 1 Falkland Place."[2] In the morning he was, says Clarendon, "very cheerful". Like many a bookish man Falkland always

[1] Ludlow, *Memoirs*, i., 56, the sole reference to Falkland in Ludlow.

[2] Walter Money, *First and Second Battles of Newbury*: all the local details in regard to Falkland's last hours I owe to this valuable book.

longed for action, and here, as at Edgehill, he was found in the thickest of the fray. He had no official command, but attached himself as a volunteer to Sir John Byron's regiment and "put himself into the first rank". "My brigade of horse," writes Byron, "was to have the van, and about five in the morning I had orders to march towards a little hill full of enclosures which the enemy . . . had possessed himself of and had brought up two small field pieces and was bringing up more, whereby they would both have secured their march on Reading . . . and withal so annoyed our army which was drawn up in the bottom, where the King himself was, that it would have been impossible for us to have kept the ground. The hill was full of enclosures and extremely difficult for horse service." So indeed it proved, and the difficulty was enhanced by the fact mentioned by Clarendon that "the enemy had lined the hedges on both sides with musqueteers". This advance of the King's right wing was, on local testimony, "a movement absolutely necessary," but it cost the King dear. "Byron's advance," writes Mr. Money, "appears to have been over the ground between the boundary line of the parishes of Newbury and Enborne (defined by a bank and hedge . . .) and the old road called 'Dark Lane' which formerly ran from near Enborne Farm obliquely over the fields below the Wash to the Enborne Road which it entered by Enborne-gate Farm, another road (Guyer's Lane) leading from this point to the Kennet." In this cavalry charge Falkland fell: but his death is best described in the words of Byron who witnessed it. "The service grew so hot, that in a very short time, of twelve ensigns that marched up with my Lord Gerard's regiment, eleven were brought off the field hurt, and Ned Villiers shot through the shoulder. Upon this a confusion was heard among the foot, calling, horse! horse! whereupon I advanced with those two regiments

A *End of Lane, where the Parliamentarians were checked.* B. *Spot where Falkland is supposed to have been killed.* C. *The two City Regiments.*

THE FIRST BATTLE OF NEWBURY (SEPT. 20, 1643)

GIVING THE PROBABLE POSITION OF THE ARMIES EARLY IN THE DAY

I had, and commanded them to halt while I went to view the ground, and to see what way there was to that place where the enemy's foot was drawn up, which I found to be enclosed with a high quick hedge and no passage into it, but by a narrow gap through which but one horse at a time could go and that not without difficulty. My Lord of Falkland did me the honour to ride in my troop this day, and I would needs go along with him, the enemy had beat our foot out of the close, and was drawne up near the hedge; I went to view, and as I was giving orders for making the gapp wide enough, my horse was shott in the throat with a musket bullet and his bit broken in his mouth so that I was forced to call for another horse, in the meanwhile my Lord Falkland (more gallantly than advisedly) spurred his horse through the gapp, where both he and his horse were immediately killed."[1]

"The correctness of the tradition," writes Mr. Money, "that Falkland fell on the spot until recently indicated by a poplar tree in front of the farm-house known as 'Falkland Farm' is extremely doubtful; he certainly fell as the royal cavalry were advancing towards the body of the Parliamentarians, who were endeavouring to gain the Heath, but at this early period of the fight Essex had not secured a footing on the Wash. The hedges on both sides of 'Dark Lane' would perfectly accord in position with Byron's narrative and with Clarendon's description."

The dead lay all night where they had fallen; to the dying ghostly comfort was administered by the saintly Jeremy Taylor. On the morrow search was made for the missing. The Prince accordingly wrote to Essex: "We desire to know from the Earl of Essex whether he have the Viscount Falkland, Captain Bertue and Sergeant Major Wilshire prisoners, or whether he have their dead bodies,

[1] *Ap.* Money, 52.

and if he have that liberty may be granted to their servants to fetch them away. Given under my hand at Newbery, this 21st September, 1643. Rupert."

Falkland was not among the prisoners, nor could his body be found.

"The next day," says Aubrey, "when they went to bury the dead, they could not find his Lordship's body, it was stript, trod-upon, and mangled; so there was one that had wayted on him in his chamber would undertake to know it from all other bodyes, by a certaine mole his lordship had in his neck, and by that marke did find it."[1] Falkland's body, when discovered, was "placed across the back of one of the royal chargers, and mournfully escorted down the hill by a detachment of the King's own troop and gently laid in the old Town Hall". Thence, according to one version,[2] it was removed to the Bear Inn on the Oxford road and was placed in a shell preparatory to its final removal. On the following day it was carried reverently to Oxford, and one day later it reached its final resting-place in the church of Great Tew. The precise spot of sepulture is unmarked, owing, as is generally said, to fears of desecration. Such fears were in reality causeless, though they may have worked upon the overwrought mind of the mourning widow. But the parish register records the facts:—

THE 23RD DAY OF SEPTEMBER, A.D. 1643, THE
RIGHT HONOURABLE SIR LUCIUS CARY KNIGHT
LORD VISCOUNT OF FALKLAND
AND LORD OF THE MANOR OF GREAT TEW
WAS BURIED HERE.

In connection with Falkland's death there remains one office which unfortunately no biographer can decline. Brief

[1] Aubrey, i., 152.

[2] The whole question is carefully discussed by Mr. Money, *op. cit.*, whose account I have closely followed.

GREAT TEW CHURCH

reference has already been made to the slur cast upon Falkland's memory by the oft-quoted story which we owe to Whitelocke. Whitelocke obviously wrote without malice, as the full text of the passage proves: "The lord Falkland, secretary of state, in the morning of the fight called for a clean shirt, and being asked the reason of it, answered, that if he were slain in the battle they should not find his body in foul linen. Being dissuaded by his friends to go into the fight, as having no call to it, and being no military officer, he said he was weary of the times, and forsaw much misery to his own country, and did believe he should be out of it ere night, and could not be persuaded to the contrary, but would enter into the battle, and was there slain. His death was much lamented by all that knew him, or heard of him; being a gentleman of great parts, ingenuity, and honour, courteous and just to all, and a passionate promoter of all endeavours of peace betwixt the king and parliament."[1]

In Aubrey's account, on the other hand, there is the unmistakable touch of the malevolent gossip. "At the fight of Newbury my Lord Falkland being there and having nothing to do, to chardge; as the 2 armies were engaging rode in like a madman (as he was) between them and was, (as he needs must be) shott. Some that were your superfine discoursing politicians and fine gent. would needs have the reason of this mad action of throwing away his life so, to be his discontent for the unfortunate advice given to his master"[2] in regard to the siege of Gloucester. Aubrey, however, with the true information always at the command of the professional scandal-monger, attributes the suicide, as we have seen,[3] to Falkland's infatuation for Mrs. Moray and his grief at her death.

[1] Whitelocke, *Memorials*, 73, 74.
[2] *Brief Lives*, ii., 315. [3] *Cf. supra*, p. 16.

It is so far creditable to historical writers that Whitelocke's version has been generally preferred to Aubrey's. Thus Dr. James Wellwood, writing in the first year of the eighteenth century, declares: "It was the dismal prospect he had of this war that moved that accomplished gentleman the Lord Falkland to throw away his life, rather than be a witness of the miseries that were coming upon the nation."[1]

Wellwood, of course, was merely repeating gossip and carries no critical weight. Mr. Gardiner is in a totally different position, and it is confessedly disquieting to find him, with all his critical acumen, accepting as substantially accurate the gossip of Whitelocke. "At Gloucester," he writes, "Falkland had courted death in vain. The longed for hour had struck at last." At Newbury "he flung away his life by an act which can hardly be distinguished from suicide".[2] Sir Philip Warwick gives no hint of suicide. "Here was extinguisht," he writes, "that fine flame which made splendid that excellent soul of the lord Faulkland . . . whose courage carried him too far in this engagement."[3] Nor does the friend whose love for him was "wonderful, passing the love of woman," with whom "from his age of twenty years he had lived in an entire friendship," and who "never spake of him afterwards, but with a love and a grief which still raised some commotion in him". Clarendon, indeed, frankly admits that "he died as much of the time as of the bullet: for, from the beginning of the war he contracted so deep a sadness and melancholy that his life was not pleasant to him; and sure he was too weary of it." He was, moreover, "naturally inquisitive after danger," and peculiarly sensitive, it would seem, to the imputation that his aversion to war arose from personal cowardice. Curiously enough, on the day after his death, Hyde received at

[1] *Memoirs*, 44. [2] *C. W.*, i., 213, 218. [3] *Memoirs*, 263.

Oxford a belated letter from Falkland written when the army was leaving Gloucester. Hyde had written to remonstrate with him on his rash conduct in the face of the enemy, and to point out "how much he suffered in his reputation with all discreet men by engaging himself unnecessarily in all places of danger, and that it was not the office of . . . a Secretary of State to visit the trenches as he usually did; and conjured him out of the conscience of his duty to the King, and to free his friends from those continual uneasy apprehensions not to engage his person to those dangers which were not incumbent on him."[1]

Falkland's reply, if correctly summarised by Clarendon, has a peculiar importance in relation to the theory of suicide. "His answer was that the trenches were now at an end; there would be no more danger there: that his case was different from other men's; that he was so much taken notice of for an impatient desire of peace, that it was necessary that he should likewise make it appear, that it was not out of fear of the utmost hazard of war: he said some melancholie things of the time; and concluded, that in few days they should come to a battle, the issue whereof, he hoped, would put an end to the misery of the kingdom."

The key to the situation, and the most convincing answer which can now be given to the damaging insinuations carelessly made and still more carelessly accepted, lie in the last words. There was every reason to hope that Essex would be caught on his way back to London, that his train-bands would be scattered, and that the capital denuded of defenders and clamorous for peace would open its gates to the King. Such a consummation devoutly wished for by the friends of peace was by no means improbable. But in any case it is essential, once more, to insist that the situation must not be diagnosed in the light of subsequent events. The slim

[1] *Life*, i., 202.

diplomacy of Vane had been rewarded by the acceptance of an amended covenant, but the military results of the Scotch alliance was still in the future: so was the prowess of the New Model and the genius of Cromwell. So far the King's career of victory had been virtually broken only by the resistance of Gloucester. Falkland's eager hope that one more battle would decide the issue, would "put an end to the misery of the kingdom," was not without justification. The seaports alone sustained the Parliamentary cause, and contemporaries may well be forgiven for underestimating the significance of a fact which modern critics have been so tardy to realise. Here then was the reason, if one may accept Clarendon's version of his friend's letter, for Falkland's return to something of his old gaiety of spirit on the morning of Newbury fight. The approximation of phrase in Whitelocke's and Clarendon's account is noteworthy. It points to a possible misreport of a genuine conversation. According to Whitelocke's report of the spoken word, Falkland declared that he "foresaw much misery to his own country, and did believe he should be out of it ere night". According to Clarendon's account of the written word, he expressed his hope that the issue of the battle "would put an end to the misery of the kingdom". From both it is clear that it was the misery of the country which was gnawing at his vitals, and destroying his peace. That the fight at Newbury must be *à outrance* any man who accurately diagnosed the strategical situation would surmise; that many would fall before night was certain. To ask for the administration of the Holy Communion was the natural precaution of a deeply religious man; to ask for clean linen the impulse of a gentleman. To twist either request into an intelligent anticipation of self-sought death is absurdly calumnious. Given the theory of suicide, the facts will fit: but they are equally susceptible of another

THE FALKLAND MONUMENT AT NEWBURY

and more generous interpretation. So we may leave the vexed question of Falkland's death.

For a century and a half Falkland remained without material memorial of any kind. The place of his birth, of his death and of his burial alike ignored him. From the last two the reproach is now removed. Thanks to the initiative of Mr. Walter Money and the late Lord Carnarvon, a worthy memorial was in 1878 erected at Newbury within a few yards of the spot on which he is supposed to have fallen. The sides of the monument, which stands on an eminence about a mile and a half to the south of the town, bear inscriptions which were chosen and composed with such marked felicity that they may be reproduced in full :—

East Side

ΚΟΙΝΗ ΓΑΡ ΤΑ ΣΩΜΑΤΑ
ΔΙΔΟΝΤΕΣ ΙΔΙΑ ΤΟΝ ΑΓΗΡΩΝ
ΕΠΑΙΝΟΝ ΕΛΑΜΒΑΝΟΝ ΚΑΙ ΤΟΝ
ΤΑΦΟΝ ΕΠΙΣΗΜΟΤΑΤΟΝ ΟΥΚ
ΕΝ Ω ΚΕΙΝΤΑΙ ΜΑΛΛΟΝ ΑΛΛΑ ΕΝ
Ω Η ΔΟΞΑ ΑΥΤΩΝ ΑΕΙΜΝΗΣΤΟΣ
ΚΑΤΑΛΕΙΠΕΤΑΙ ΑΝΔΡΩΝ
ΓΑΡ ΕΠΙΦΑΝΩΝ ΠΑΣΑ ΓΗ
ΤΑΦΟΣ.

Thucy., ii., 43.

West Side

IVSTVM BELLVM QVIBVS
NECESSARIVM ET PIA ARMA
QVIBVS NVLLA NISI IN
ARMIS RELINQVITVR SPES.

Liv., ix., i.

North Side

IN MEMORY OF THOSE
WHO, ON THE 20TH SEPTEMBER, 1643
FELL FIGHTING IN THE ARMY OF KING CHARLES I.
ON THE FIELD OF NEWBURY, AND ESPECIALLY OF
LUCIUS CARY, VISCOUNT FALKLAND
WHO DIED HERE IN THE 32ND YEAR OF HIS AGE.
THIS MONUMENT IS SET UP BY THOSE TO WHOM
THE MAJESTY OF THE CROWN AND
THE LIBERTIES OF THEIR COUNTRY ARE DEAR.

South Side

THE BLOOD OF MAN IS WELL SHED
FOR OUR FAMILY,
FOR OUR FRIENDS, FOR OUR GOD,
FOR OUR COUNTRY, FOR OUR KIND;
THE REST IS VANITY,
THE REST IS CRIME.

Burke.

Lord Carnarvon, himself distinguished by scholarly statesmanship and a certain superiority to party ties, was fitly chosen to perform the ceremony of unveiling, and pronounced a singularly graceful panegyric upon Falkland. "Lord Falkland," he said, "combined no insignificant qualities. He was a gentleman, a scholar, a statesman, a reformer of political abuses, and yet a lover of the Crown and the Constitution under which he lived. Living in troubled and painful times he reconciled, as far as it was given to man to reconcile, the conflicting duties of his age, and dying, he died without fear and without reproach." [1]

Great Tew has followed the example of Newbury, and since 1885 a mural tablet affixed to the walls of the church has recalled the memory of its most famous lord. It is right that those who have deserved well of the commonwealth should be thus materially commemorated. But no great

[1] *Times*, 10th September, 1878.

Englishman ever stood less in need of such memorial than Lucius Cary, Viscount Falkland. Within a few decades of his death an unfading wreath was placed upon his tomb by the piety of a life-long friend. Clarendon immortalised his fame and memory in some of the most graceful and most melodious passages which English prose can boast.

"Thus fell," he wrote, "that incomparable young man, in the four and thirtieth year of his age, having so much despatched the business of life, that the oldest rarely attain to that immense knowledge, and the youngest enter not into the world with more innocence; whosoever leads such a life, needs not care upon how short warning it be taken from him." [1]

[1] Clarendon, iv., 242.

CHAPTER V

EPILOGUE AND APPRECIATION

LORD FALKLAND left to mourn his loss a devoted and now desolated wife, three young sons, troops of friends, and, without distinction of creed or party, all that was noblest and best in the nation at large. Of his sons the youngest Laurence or Lorenzo survived him only a few years and died at Great Tew, 2nd November, 1645. The eldest Lucius, who succeeded his father as third Viscount, died at Montpelier in 1649 and was buried in a nameless grave, at Great Tew. Henry, the second son, succeeded his eldest brother as fourth Viscount in 1649. He represented Arundell in the House of Commons, and served as Lord-Lieutenant for the County of Oxford. Something of the wildness erroneously attributed to his father may with more accuracy be predicated of him. He is said by Anthony Wood ("As I have been informed by Sir J. H.[1] who married his widow") to have sold for a horse and mare the noble library of books collected by his father and hallowed by a hundred literary associations. Not that he was himself devoid of literary instincts or of wit; for he is commemorated by Horace Walpole as the author of a comedy, *The Marriage Night*, and is credited by the same writer with an excellent *jeu d'esprit*. On taking his seat in the House of Commons he was reproached for wishing to become a Member of Parliament "before he had sown his wild oats". Upon which he instantly retorted: "Then am I come to

[1] Sir James Hayes, Secretary to Prince Rupert.

the properest place, where are so many geese to pick them up".[1] Like his father and brothers Henry Cary failed to reach middle age, and in 1663 he was succeeded by his son Anthony (born in 1656). Anthony is described as a young man of high promise. Treasurer and Paymaster to the Navy under Charles II. and James II. he managed to retain the favour of William III. Unfortunately, however, he fell a victim to small-pox in 1694, and thus, before the close of the century, the direct line of Lucius Cary became extinct. Anthony was succeeded in the peerage by his cousin Lucius Henry, the grandson of Patrick, a younger son of the first Viscount.

Of Letice Viscountess Falkland we have little direct knowledge except that which we derive from the pious pages of John Duncon.[2] But all that he says as to her excellent qualities as wife and mother, and the entire confidence and affection with which she was regarded by her husband is amply confirmed by the terms of Falkland's will:—[3]

"i) honorandi viri dni) Lucij Carie nuper vicecomitis Falkland de R. In the name of God amen.

"I Sr Lucius Carie Kt Viscount of ffalkland beinge in perfect health and memory thanks be given to God doe make and ordeyne this my last will and testament in writinge, and first I commend my soul to God and my body to the earth to bee buried in such decent manner as my executrix hereafter named shall thinck fit and concerninge my personall estate whereof I shall dye possessed I doe hereby give and bequeathe the same unto my dearly beloved wife Lettice viscountess of ffalkland whome I make Executrix of this my last will and testament and doe will and devise that my said wife shall have the education of

[1] Walpole, *Royal and Noble Authors*, 221. [2] *Cf. supra*, p. 17.
[3] Printed by Mrs. Sturge Henderson, *op. cit.*

my three sones Lucius Henry and Lorenzo and shall bear the chardge of the Education of my twoe younger sones Henry and Lorenzo. In witness that this is my will I have signed sealed and published the same the twelveth day of June in the 18th yeare of the raigne of our sovraigne Lord Charles by the grace of God King of England, Scotland France and Ireland defender of the Faith etc. Anno domini 1642.

"(Signed) FALKLAND.

"Signed sealed and published in the presence of

"ROBERT STANIER.
"THOS. HINTON.

"Probatum apud Oxon cora venli viro Willmo Mericke legu doctore Comissario etc. vicesimo die mensis Octobris Anno dm 1643. Juramento honorande femine due Leticie Vicecomitisse ffalkland Relicte dei defuncti et exis etc. de bene etc. iurat."

After the death of him "whom she loved more than all things of this world" Lady Falkland devoted herself, during the brief remnant of her life, to the care of her young sons, and to works of religion, charity, and mercy. She succoured the poor, tended the sick, and even carried the spirit of forgiveness so far as to send relief to the enemy's soldiers "when there were some store of them taken prisoner by the King's soldiers". Duncon describes in the language of simple and sincere piety her life and conduct after a series of crushing blows had fallen upon her:—

"Her proficiency and progress (in the things of the Spirit) I shall account from that time, when her prosperity began to abate, when Her dear Lord, and most beloved Husband, that he might be like Zebulon (a student helping the Lord against the mighty, Judges v. 14) went from his Library to the Camp; from his Book and Pen, to his Sword and Spear:

and the consequent of that, an inevitable necessity, that she must now be divorced from him, for a while, whom she loved more than all the things of this world; this was a sad beginning: but that totall divorce, which, soon after, death made between him and her; that he should be taken away by an untimely death too, this was a most sore affliction to her; . . . And this heavy affliction which God sent upon her, she interpreted for a loud call from heaven, to a further proficiency in piety and virtue. Her first and grand employment was, to read and understand, and then (to the utmost of her strength) to practise our most blessed Savior's Sermon upon the Mount. . . . And her mercifulness was none of those virtues which she could at all conceal from us; much of her estate (we saw) given yearly to those of her kindred, which were capable of Charity from her: And some of her neer neighbours, who were very old, and not able to work; or very young, and not fit for work, were wholly maintained by her: To other poor children she contributed much, both for their spiritual and their temporal wel-being; by erecting a Schole for them, where they were to be taught both to read and to work: much care she took that no man, or woman, or child should want employment; that their own hands might, bring them in a competent subsistence; and accounted that the best contrivement of her estate, which set most poor people on work; for if it were to their profit, she little regarded her own detriment in it. . . . And for the poor at home, and for strangers at the dore, she was very charitable in feeding the hungry, and refreshing the faint and weak; and for clothing the naked, in some extremities you should see this Lady herself goe up and down the house, and beg garments from her servants backs (whom she requited soon after with new) that the poor might not go naked or cold from her dore. . . . And when it was objected that many idle and wicked people were by this course of charity, re-

lieved at her house, her answer was; *I know not their hearts, and in their outward carriage and speech, they all appear to me good and virtuous; and I had rather relieve five unworthy Vagrants, than that one member of Christ should goe empty away.*

". . . But beyond all, her mercifulness towards the sick was most laudable: her provision of Antidotes against infection, and of Cordials, and other several sorts of Physick for such of her neighbors as should need them, amounted yearly to very considerable sums: And though in distributing such medicinal provisions, her hand was very open, yet it was close enough in applying them, her skill (indeed) was more then ordinary, and her wariness too. . . . When any of the poor neighbors were sick, she had a constant care, that they should neither want such relief, nor such attendance as their weak condition called for, and (if need were) she hired nurses to serve them: And her own frequent visiting of the poorest Cottagers, and her ready service to them, on their sick bed, argued as great humility as mercifulness in her: yet the Books of spiritual exhortations she carried in her hand to these sick persons, declared a further design she had therein, of promoting them towards heaven, by reading to them, and by adminstring words of holy counsel to them. . . . And from this Sermon of our blessed Savior she learned that duty of Praier; and her cheif practise therein, she could not conceal from us neither, which was, as follows. First, she spent some hours every day in her private devotions and meditations; and these were called by those of her family *her busy hours*. . . . Then her Maids came into her Chamber early every morning, and She passed about an hour with them; In praying, and catechising, and instructing them: To these secret and private praiers, the publik Morning and Evening praiers of the Church, before dinner, and supper; and another form

LETTICE, WIFE OF LUCIUS, SECOND VISCOUNT FALKLAND

FROM A PICTURE BY JANSSEN IN THE POSSESSION OF VISCOUNT FALKLAND

(together with reading Scriptures, and singing Psalms) before bedtime, were daily and constantly added. . . . And now in the very last stage of her Christian race, she growes so exact, that all time seems tedious to her, which tends not to Heaven; and thereupon she now resolves to get loose from the multitude of her earthy employments; and provides to remove from her stately mansion, to a little house neer adjoyning, and in that house and garden, with a book, and a wheel, and a maid or two, to retire herself from worldly businesse, and unnecessary visits, and to spend her whole time: and she took as great delight in projecting this humiliation and privacy, as others do, in being advanced to publick honours, and state employments."

Thus touchingly and quaintly does Duncon tell the story of Lady Falkland's widowed life. The ordeal was not prolonged. The death of her beloved son Lorenzo in 1645 crushed to the earth a spirit already broken. A journey to London undertaken in the depth of the winter, 1645-46, brought on a severe chill. On her return she was like to have died at Oxford, but just managed to reach her home at Great Tew. There she passed away—a victim to consumption—on St. Matthias' Day, 1646, at the age of thirty-five, and there, on 29th February, she was buried. To say that Letice Falkland was worthy of the chivalrous knight who loved her and married her for herself alone is epitaph as honourable as woman can desire.

Of Falkland himself little more need be said. The foregoing pages have been written in vain if they do not delineate Falkland as he appeared to his contemporaries and as he reveals himself to us by writing, speech and action. The splendid eulogy of his friend—modelled as Clarendon confesses on Tacitus's famous portrait of Agricola—was certain to provoke criticism and to suggest detraction. Falkland has escaped neither. Reference has already been

made to Horace Walpole's malignity, and to the depreciatory fashion which he set. Thus while Walpole himself attributes to Falkland "much debility of mind," Macaulay derides his political instability, and Sanford writes of his "morbidly sensitive disposition" and declares that "want of balance of judgment was the defect in Falkland's character". Gardiner, with all his admiration for Falkland's splendid qualities of heart and mind, writes contemptuously of his political opinions and achievements, while Forster does not hesitate to describe him as "far more of an apostate than Strafford, for his heart was really with the Parliament from the first which Strafford's never was, and never to the end did he sincerely embrace the cause with which his gallant and mournful death has eternally connected him".

How far do these judgments accord with the facts of Falkland's career as disclosed in the foregoing pages? To the party politician "apostacy" is the worst of political crimes; but with what justice can it be charged against Falkland? He was at once a genuine reformer and a genuine conservative. Abuses he abhorred; change for its own sake he detested. "Where it is not necessary to change, it is necessary not to change." This was the quintessence of Falkland's political creed, and from the outset to the close of his career he was consistently faithful to the principle it embodies. So long as it was a question of the destruction of the machinery of Stuart despotism Falkland was the most ardent of reformers. With Strafford and Laud he had no sympathy, and no man denounced with greater vehemence the principles which lay at the root of the ship-money judgment; but for the annihilation of the ancient constitution in Church and State, for the virtual effacement of the Monarchy, and the substitution of Presbyterianism for Episcopacy Falkland was not prepared. For the first few months of the Long Parliament Falkland acted

whole-heartedly with Hampden and Pym. The time came when it was obvious that they were resolved to go farther than he could follow. Is it the part of a weak man or a strong man to say: "Thus far, but no farther"? Is it the act of an apostate to decline to follow his companions over the brink of a precipice? Falkland desired the destruction of tyranny in Church and State; he stood for an ordered freedom in things of the mind, of the soul and of the body politic. So long as Pym and Hampden were striving for the destruction of the machinery of "Thorough," and devising safeguards against its reconstruction Falkland stood by their side, and strenuously seconded their efforts; when they in their turn threatened, as he believed, the cause of liberty, he withstood Pym and Hampden as he had previously withstood Strafford and Laud.

Lord Beaconsfield in a characteristically oriental passage hails Falkland as the proto-martyr of Toryism. But his historical judgments are as uncritical as they are acute.[1]

There is, however, no modern writer who has interpreted with finer discrimination the principles of Falkland, or vindicated more amply and more conclusively his policy and aim, than the first Lord Lytton. In an essay contributed forty years ago to the *Quarterly Review* he wrote: "Falkland, from the first to the last, was a lover of Liberty, but Liberty as her image would present itself to the mind of a scholar and the heart of a gentleman. It is no proof of apostacy from the cause of Liberty if he thought that a time had come when Liberty was safer on the whole with King Charles than with 'King Pym'." But did Falkland possess any constructive ability? Mr. Goldwin Smith derides his claim: "Constitutional Monarchy, as Falkland

[1] "Are not the traditions of the Tory party the noblest pedigree in the world. Are not its illustrations that glorious martyrology, that opens with the name of Falkland, and closes with the name of Canning?"—*Endymion*, ii., 38.

rightly judged, was the highest attainable ideal for England, at any rate in that day. Of attaining that ideal, of doing anything considerable towards its attainment or towards its defence against the powers of absolutist reaction whose triumph would have rendered its attainment for ever impossible he was no more capable than he was of performing the labours of Hercules".[1] Gardiner admits that he knew what he did not want, but denies that he knew what he did want. But is this criticism sound? Lord Lytton by anticipation answered both Mr. Goldwin Smith and Mr. Gardiner: "The objects Falkland desired to attain were a Monarchy divested of all pretensions to absolutism and a Church purified from all sympathies with papacy—excluded from all penal jurisdiction in civil affairs. In fine, a Monarchy without a Strafford, and a Church without a Laud."[2]

Pym, with rare prescience, fixed upon the principle of a responsible executive—"Counsellors whom parliament had cause to confide in"—as the ultimate solution of the constitutional problem of his day. But, as we have seen, the problem of the day was not exclusively constitutional; it was complicated by an ecclesiastical factor, equally difficult and equally insistent. Had the issue been simple, and had the times been normal; had revolution not threatened in Church as well as State, Falkland might have voted with the majority on the *Grand Remonstrance*. But the Remonstrance was not an academic resolution; it was the gage of battle, the trumpet-call to civil war. The question which Falkland, and Hyde, and the "Moderates" had to ask themselves was this: "If I vote for the Remonstrance, shall I not put to the hazard of the sword all the advantages ob-

[1] *Lectures and Essays* (privately printed at Toronto), p. 220.

[2] *Q. R.*, vol. 108 (1860), p. 538 (since reprinted in *Prose Works*). Hardly less perfect though much less elaborate is the appreciation of the Rev. W. Hudson Shaw to whose lecture on *Lucius Cary, Lord Falkland* (Philadelphia, 1896), I have already acknowledged my obligations. *Cf.* Preface.

tained, all the reforms achieved during the last twelve months of strenuous toil?" Pym and Hampden were prepared to take the risk; Hyde and Falkland were not. It is customary to assert that Pym's ideas, though obscured by the success of Cromwell, and temporarily rejected at the Restoration, obtained triumphant and permanent vindication in the Revolution of 1688. And, in so far as the Revolution was the avenue to the establishment of constitutional monarchy and to the development of the Cabinet system the claim on Pym's behalf is justified. But the Revolution was a triumph for Anglicanism not less than for Constitutionalism. Pym's victory in 1642 would probably have meant the establishment of Presbyterianism and the effacement of the monarchy. Had Pym, at that time, propounded a scheme for the supersession of the monarch instead of the destruction of the monarchy; for the enlargement of the borders of the Anglican establishment instead of the substitution of Presbyter for Priest, Falkland might still have been found at Pym's side. But Falkland, though he cared little for the person of the monarch, was devoted to the principle of monarchy; though he loved not the Laudian bishops, he dreaded the intellectual intolerance of the extremer Puritan. He would give no vote, therefore, which would endanger the monarchy or precipitate a Puritan tyranny. And with Falkland lay the secret of the future. Pym's principles obtained partial vindication in the eighteenth century; Falkland's completer triumph was postponed until the nineteenth. Lord Lytton's claim on his behalf cannot be lightly put aside. "Could Falkland look from his repose on England as England is now, would not Falkland say, 'This is what I sought to make my country! This is the throne which I would have reconciled to Parliamentary freedom; this is the Church that I would have purified from ecclesiastical domination over secular affairs and intolerant persecution of

rival sects. To make an England such as I see now, I opposed the framers of the Grand Remonstrance and the Nineteen Propositions; and England as seen now is the vindication of my policy and the refutation of Pym's.'"

While much has been written in depreciation of Falkland's political career, his personal character is unassailed and needs no defence. The tributes paid to his high intellectual endowments and to his perfect integrity of heart and conduct, alike by contemporaries and moderns, are singularly ungrudging and unanimous. Against the statesman who refused to imitate his rival Pym in the employment of spies, and who refused to conform to universal practice by the opening of private correspondence, the worst that has been said is that he was too nice and scrupulous for his work. Against the man who passed through court and camp, unblemished in the midst of corruption, and virtuous in the midst of vice, not an innuendo (save by Aubrey) has been breathed.

Among contemporaries the tribute of the faithful Triplet is naturally the most intimate.[1] Clarendon was the *alter ego* of Falkland's political and intellectual life, but Triplet shared his home. The latter's testimony to his genuine piety, to his conviction that "in religion too careful and too curious an inquiry could not be made" has already been quoted;[2] but space must here be found for two extracts which throw light upon the home life at Great Tew:—

[1] "There is no family now in being to which I owe more true service than to your lordship's. . . . It is one of the greatest comforts I have in this calamitous life, to remember that I had the honour to be so neare him: and a reproach, which I cannot clear myself of, to have been at the same time so neare in conversation, and yet so far removed from him in those Excellencies whereby he was the envy of this age, and will be the wonder of the next . . . he being the dearest and the truest Friend . . . I ever had the happiness to meet with."—Triplet, *Dedication to Henry, Lord Falkland.*

[2] *Cf. supra*, p. 21.

"While others studied the heraldry of horses, of doggs, or at the best their owne, he though not inferior to his neighbours in descent or honour, knowing how much more glorious it is to be the first then the last of a noble family (blood without vertue making vice more conspicuous) was so far from relying upon that empty title, that he seemed *ipse suos genuisse parentes*, to have begotten his ancestors, and to have given them a more illustrious life then he received from them. Though there were so much true worth treasured up in him, as well divided had been able to set up a hundred pretenders, yet so much modesty withall that the hearing of anything was more pleasing to him than one tittle of his owne praise."

And again:—

"His answers," says Triplet, "were quick and suddain, but such as might very well seem to have been meditated. In short his abilities were such as though he needed no supplies of industry, yet his industry such as though he had no parts at all. How often have I heard him pitty those hawking gentlemen, who in unseasonable weather for their sports had betrayed them to keep house, without a worse exercise within doores, could not have told how to have spent their time, and all because they were such strangers to such good companions, with whom he was so familiar, such as neither cloy nor weary any with whom they converse, such company as Erasmus so much extolleth . . . Though his courage were as great as his wit and learning (and that is expression high enough) his valour so undaunted and dreadlesse, as his great fall witnest, in that fatal haile that made more orphans then his children; yet to do an ill or an uncivill thing he was an arrant coward."

In such passages there is a note even more intimate than that of Clarendon, and Falkland's writings and speeches

entirely confirm the testimony of his friends. They are distinguished by a sweet and gentle gravity, a playful wit, a large charity, and a sustained elevation of thought and language. When keen invective was demanded, as in the great speech on ship-money, it was not lacking, but for the most part speeches, poems and discourses are suffused with a spirit of gentle charity—the charity of one who, bold in action, was "an arrant coward to do an ill or uncivil thing".

Modern writers have on these points wisely accepted without reserve the unanimous testimony of contemporaries. Even those who criticise most severely Falkland's political achievements join ungrudgingly with his admirers in a tribute to the beauty of his life and character. To multiply instances would be tedious; a single sentence representative of many shall suffice:—

"We cannot doubt," writes Mr. Goldwin Smith, "his title to our admiration and our love. Of his character as a friend, and as the centre of a literary circle we have a picture almost peerless in social history."

That picture is as flawless in execution as it is beautiful in conception, and to add to the words of Triplet and Clarendon is to paint the lily. How would Falkland have borne himself in the troubled times in store for his afflicted country? Interesting as the question may be in a speculative sense it is one which the biographer is not called upon to answer. Enough for him to point to the record of the past and say *felix opportunitate mortis*. Cut off in the flower of his youth, a stricken man at thirty-three, Falkland's career as a statesman can be judged only by the opening scenes. But though his political life remains a splendid torso, his personal life was, so far as human eye can see, rounded and complete. Never was his friend Ben Jonson more truly or more happily inspired than when he sang:—

It is not growing like a tree
In bulk, doth make men better be;
Or standing long an oak, three hundred year,
To fall a log at last, dry, bald and sear:
A lily of a day
Is fairer far in May,
Although it fall and die that night;
It was the plant and flower of light.
In small proportions we just beauties see;
And in short measures, life may perfect be.

APPENDIX

BIBLIOGRAPHICAL NOTE

THE primary authority for Falkland's life is Clarendon, *History of the Rebellion*, and *Autobiography*. Indeed a biographer may well say, "Clarendon, Clarendon, toujours Clarendon". My references (except where otherwise stated) are to the edition of the *Rebellion* published at Oxford in 1839, of the *Life* in 1827. For criticism of Clarendon *cf.* Firth, *ap. English Historical Review*, vol. xix., Nos. 73, 74, 75. Rushworth, *Historical Collections* (London, 1692), and Nalson's *Collections* (London, 1682), are invaluable, as are the *Journals* of the Houses of Lords and Commons. S. R. Gardiner's *Constitutional Documents* (Clar. Press); May's *History of the Long Parliament;* Baillie's *Letters and Journals;* Strafford's *Letters;* Whitelocke's *Memorials;* Anthony Wood's *Athenæ Oxonienses* (ed. Bliss, 1813), and *Life* (ed. Clark, Oxford, 1891); various volumes of the Historical MSS. Commission; the *Verney Memoirs; Cases in the Courts of Star Chamber and High Commission* (ed. Gardiner for Camden Society); *Lismore Papers* (ed. Grosart); Aubrey, *Lives* (Oxford Hist. Soc.), are more or less important. Falkland's most important speeches are printed verbatim in the text, generally from *Rushworth* corrected from Cobbett. His *Poems* have been collected and edited by A. B. Grosart (1870). I have printed in the text, virtually *in extenso* (from "King's Pamphlets," E. 121, British Museum), *A letter sent from the Lord Falkland* 30 *Sept.*, 1642, *concerning the late conflict before Worcester* (London, 1642), and have referred also to *A discourse of Infallibility, with Mr. T. White's answer to it,*

and a reply from him. . . . Also Mr. W. Montague . . . his Letter against Protestantism, and his lordship's answer thereunto . . . to which are now added two Discourses of Episcopacy by Viscount Falkland and William Chillingworth, edited by Triplet, London, 1660. The last-mentioned discourses are not included in the earlier edition of 1651.

Our knowledge of Elizabeth Tanfield, afterwards first Lady Falkland, is derived from a *Life* printed in 1861 (see note, p. 52). Lady Georgiana Fullerton's *Life of Lady Falkland* adds but little to it. For the second Viscountess Falkland, *cf. Letter to Lady Morison containing many remarkable passages in the most holy life and death of the late Lady Letice, Vi-countess Falkland*, by the Rev. John Duncon (first printed 1649). Lloyd's *Memoirs* and Sir Philip Warwick's *Memoirs of Charles I.* throw an occasional light on Falkland and his friends. The works of the latter, especially Chillingworth's, are essential to an understanding of Falkland's position.

Among modern works I have used freely the *Dictionary of National Biography* (though the articles on the first and second Lord Falkland are not free from error); Gardiner's *History of England* and *Civil War;* Principal Tulloch's *Rational Theology and Christian Philosophy in England in the Seventeenth Century* (Blackwood, 1874), which contains an admirable appreciation of Falkland; Lady Theresa Lewis's *Lives of the Friends and Contemporaries of Clarendon* (Murray, 1852), containing a good though not wholly accurate life of Falkland; W. Hudson Shaw's *Lecture on Lucius Cary, Lord Falkland* (Philadelphia, 1896)—an admirable sketch; W. A. Shaw's *History of the English Church during the Civil Wars and under the Commonwealth*, 1640-1660 (Longmans, 1900). I much regret that owing to a curious mischance I failed to make acquaintance with *Falklands* (Longmans, 1897), an interesting work by the author of *The Life of Sir K. Digby*, until my book was nearing completion, otherwise I should doubtless have incurred a considerable debt to it; and that F. A. Hyett's *Gloucester* appeared too late for me to make use of it. Money, *Two Battles of Newbury;* Hallam, *Constitutional History;* Courthope, *His-*

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Among many essays on Falkland the best are those of Lord Lytton (*Quarterly Review*, vol. 108 (1860), and reprinted in *Prose Works*), Matthew Arnold, *Mixed Essays*, and Goldwin Smith, *Lectures and Essays* (privately printed at Toronto, 1881).

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